

GAHC010139382026



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/1513/2026

SUBIMAL PADUN
SON OF UMESH PADUN, RESIDENT OF NAPAM, KHUBALIA, DHEMAJI -
787057, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. P K SHARMA, MR. M MORE, MR. A BORPUZARI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

07.07.2026

Heard Mr. P. K. Sharma, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor for the State.

2. This application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the petitioner, namely, **Subimal Padun**, who is apprehending his arrest in connection with Dhemaji P.S. Case No. 59/2026

under Section 62(2)/308(4) of BNS, 2023 read with Section 10/13 U.A.(P) Act.

3. The gist of accusation in this case is that on 27.03.2026 one Dhairjya Borpatra, S.I. of police had lodged an FIR before the Officer-In-Charge of Dhemaji Police Station, *inter alia*, alleging that some persons have received extortion letters from members of banned Organization namely, United Liberation Front of Assam. The FIR named few persons involved in the alleged offence and also indicates that some local active collaborators may also be involved in facilitating extortion activities.

4. Learned counsel for the petitioner submits that the petitioner is no way involved in the offence alleged in the FIR. However, he has received telephone call from the Dhemaji Police Station, *inter alia*, stating to him that in connection with the aforesaid case one Bidyut Buragohain who is a known person to the present petitioner has also been arrested and in that connection the police is repeatedly asking to appear before the Police Station.

5. Learned counsel for the petitioner submits that the petitioner is ready to approach the Police and cooperate in the investigation however, since non-bailable offence are involved in this case he apprehends that he may also be arrested in connection with the aforesaid case and he appear before the Police without any protection.

6. On the other hand, Mr. K. Baishya, learned Additional Public Prosecutor submits that the offence involved in this case is of serious in nature under the provisions of Unlawful Activities (Prevention) Act, 1967. He also submits that under Section 43 D (4) of the Unlawful Activities (Prevention) Act, 1967, and anticipatory bail application is not maintainable for offences under provisions of Unlawful Activities (Prevention) Act, 1967, hence, he raises question of

maintainability of the instant bail application.

7. On the other hand, learned counsel for the petitioner submits that he may be given some time to decide the question of maintainability of the instant anticipatory bail application. He submits that as there is no *prima facie* material against the present petitioner regarding commission of any offence under the Unlawful Activities (Prevention) Act, 1967. Hence, the embargo of Section 43 D(4) of the said Act is not applicable to this case. He however submits that case diary may be called for hence some time may be granted to him to address the question o maintainability.

8. The prayer is allowed.

9. Let the case diary be called for.

10. Let the case diary be called for.

11. Let this matter be listed on 20.07.2026.

JUDGE

Comparing Assistant