

GAHC010141752026



2026:GAU-AS:11261

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

Case No. : AB/1562/2026

MD SAFIKUL ALI
S/O- LATE KHABIR ALI, R/O.- NO.1 NIZARAPAR, P.O.- NOONMATI,
GUWAHATI-20, P.S.- NOONMATI, DIST.- KAMRUP(M), ASSAM, PIN-781020

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P. ASSAM.

Advocate for the Petitioner : MR. B CHOWDHURY, MR A H AHMED

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA**

ORDER

Date : 11.08.2026

Heard Mr. B. Chowdhury, learned counsel for the accused applicant. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 482 of the BNSS, 2023, praying for grant of pre-arrest bail to the accused applicant in connection with Noonmati P.S. Case No.73/2026 (corresponding to GR No.1627/2026), registered under Sections 303(2)/112(2) of BNS,2023.

3. An FIR was lodged on 05.05.2026 by one Swapnil Madhav Das, alleging, *inter alia*, that he had noticed that, for the past couple of weeks, reinforcement bars had been stolen from their store and construction area. It was further alleged that, on the night of 04.05.2026, they found that a few bundles of rods had been stolen from their area and, shortly thereafter, received information from the local residents that three persons had been caught red-handed with the stolen materials, with the assistance of the local residents of Nijorapar area, and had been handed over to the police.

4. The police arrested the three persons, namely, Kamal Gupta, Idul Hussain @ Idul Ali and Nazim Hussain. It was further stated that the fourth person managed to flee from the spot.

5. On receipt of the FIR, the police registered Noonmati P.S. Case No.73/2026 under the aforementioned sections.

6. The accused applicant had earlier approached this Court by filing an

anticipatory bail application, being AB No. 1139/2026, which was rejected by this Court on 11.06.2026 after perusal of the Case Diary.

7. Mr. Chowdhury, learned counsel for the accused applicant, submits that all the accused persons who were arrested by the police have been granted bail by different courts. He submits that the accused applicant was, in fact, not involved in the alleged offence and has been wrongly implicated. He further submits that the accused applicant shall fully cooperate with the investigation and, therefore, prays for pre-arrest bail to the accused applicant.

8. The Case Diary in the instant case has been received and the same is perused.

9. Mr. Sharma, learned Additional Public Prosecutor, opposes the prayer for pre-arrest bail of the accused applicant.

10. Taking into account the materials available in the Case Diary and also considering the fact that the other three co-accused have already been granted bail, this Court is of the opinion that the accused applicant should be granted pre-arrest bail at this stage.

11. Accordingly, in the event of the arrest of the accused applicant in connection with Noonmati P.S. Case No.73/2026 (corresponding to GR No.1627/2026), he shall be released on bail on furnishing bail bonds of Rs.30,000/- with one surety of like nature to the satisfaction of the Arresting Authority, subject to the following conditions:

- i. That the accused applicant shall appear before the I.O. of the case within a period of 7 (seven) days from today;
- ii. That the accused applicant shall fully cooperate with the investigation

and make himself available as and when called for; and

iii. That the accused applicant shall not try to hamper or tamper with the investigation in whatsoever manner.

12. In view of the aforesaid directions, the instant anticipatory bail application stands disposed of as allowed.

13. Case Diary is to be sent back.

JUDGE

Comparing Assistant