

GAHC010173272025



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

Case No. : AB/1876/2025

ROMEN DEKA AND 2 ORS.
S/O SRI ANIL DEKA
VILL- SAHAN P.O. AN DP.S. BAIHATA CHARIALI, DIST. KAMRUP, ASSAM

2: TUBUL DEKA
S/O LATE NARESWAR DEKA
VILL- BORKHORIKOT
A P.O. KENDUA
P.S. BAIHATA CHARIALI
DIST. KAMRUP
ASSAM

3: DIPAK BAISHYA
S/O LATE KARUNA DUTTA
VILL- BAREDOLA
P.O. AND P.S. BAIHATA CHARIALI
DIST. KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR B KAUSHIK, MS. N DAS,K BHARALI,MR. S HAZARIKA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

06.08.2025

1. Heard Mr. B. Kaushik, learned counsel for the petitioners. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State.

2. This application under Section 482 of BNSS, 2023 has been filed by the accused petitioners, namely, **1. Romen Deka, 2. Tubul Deka and 3. Dipak Baishya**, seeking pre-arrest bail in connection with **Baihata Chariali P.S Case No. 194/2025** registered under **Sections 189(2)/329(3) / 126(2)/117(2)/118/109/311/131/296/74 of BNS, 2023; added Section 109/103(2) of the BNS, 2023.**

3. Mr. B. Kaushik, learned counsel for the petitioners who has taken through the ejahar that 12 persons are named in the ejahar including the present 3(three) petitioners. The FIR is lodged by one Sri Rajubala Goswami with the allegations that on 29.07.2025 at around 11 am, all the named accused persons came to his house and called out her son Sri Girin Goswami and attacked him with sharp weapons causing injuries. Later, they were abused with filthy languages.

4. Mr. B. Kaushik, learned counsel for the petitioners has drawn my attention to copies of some social media post stated to have been made by the said Sri Girin Goswami on the previous date.

5. Upon perusing, I find that the said posts also include some slang languages. It is submitted that the version of the ejahar is concocted and a complete exaggeration. The parties might had some altercation but no such incident as described has taken place. The altercation was regarding a social media post made by son of the informant, casting aspersions on Tubul Deka and his wife, who had won a GP election, while the losing candidate was the sister-in-law of the informant's son.

6. Mr. R.J. Baruah, learned Additional Public Prosecutor for the State, who prays for calling for the case diary along with medical report.

7. Let the case diary along with medical report be called for.

8. In the circumstances, I am of the view that the petitioners should be given an opportunity to cooperate in the investigation and get their statements recorded before the I.O.

9. Therefore, in such view of the matter, in the event of arrest of the petitioner in connection with this case, the accused petitioners namely, **1. Romen Deka, 2. Tubul Deka and 3. Dipak Baishya** shall be **allowed** to go on **interim bail** of **Rs.20,000/- (Rupees Twenty Thousand)** only **each** with one surety **each** of the like amount subject to the satisfaction of the arresting authority with following conditions:

- (i) That the petitioners shall co-operate in the investigation and appear before the I.O for recording the statement.

(ii) That the petitioners shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts of the case before the Investigating Officer;

(iii) That the petitioners shall not hamper or tamper with evidence.

10. List on **27.08.2025**.

JUDGE

Comparing Assistant