

GAHC010192012025



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

Case No. : AB/2053/2025

RAHUL DAS
S/O- SRI RAJU DAS, R/O- NIZARA PATH, P.S.- FATASIL-AMBARI DISTRICT-
KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR. S P CHOUDHURY, MR. S. J. SARKAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 27.08.2025

- 1.** Heard Mr. S. P. Choudhury, learned counsel for the petitioner. Also heard B. Sarma, learned Additional Public Prosecutor for the State.
- 2.** This application under Section 482 of BNSS, 2023 has been filed by the petitioner, namely, *Rahul Das*, who is apprehending his arrest in connection with Jalukbari P.S. Case, No. 359/2025 under Sections 351(2)/ 352/ 353(3)/ 356/ 324(2)/ 115(2) of BNS.

3. The gist of the accusation in this case is that on 15.08.2025, one Baru Chetry had lodged an FIR before the Officer-in-charge of Jalukbari Police Station, *inter alia*, alleging that the petitioner along with one Mukesh Thapa were trying to consume liquor inside the Pani Tanki and when the informant prevented them from doing so, he failed to do so. Thereafter the present petitioner along with the co-accused went to the house of the informant and entered into his house and assaulted the informant, his wife as well as his minor son and caused injury on his person.

4. The learned counsel for the petitioner has submitted that, in the meanwhile, the co-accused Kangkan Pathak was arrested and he has already been released on bail. The learned counsel for the petitioner also submitted that all the offences under which this case has been registered except offence under Section 353(3) of BNS are bailable in nature. He submits that only offence under Section 353(3) of BNS is non-bailable. However, considering the facts alleged in the FIR, no offence under Section 353(3) of BNS is made out in this case.

5. On the other hand, the learned Additional Public Prosecutor prays for calling of the case diary.

6. Let the case diary be called for.

7. In the meanwhile, as apparently it appears that the accusation levelled against the present petitioner in the FIR *ex-facie* does not make out any offence under Section 353(3) of BNS, 2023, the petitioner Rahul Das is directed to appear before the Investigating Officer of Jalukbari P.S. Case, No. 359/2025 within a period of seven days from the date of this order and co-operate in the investigation. If he does so within the stipulated period of time, in the event of his arrest, in connection with the aforesaid case, he shall be allowed to go on

interim bail of Rs.30,000/- (Rupees Thirty Thousand) only with one surety of like amount subject to the satisfaction of the arresting authority with following conditions:-

- (i) That the petitioner 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;
- (ii) That the petitioner shall co-operate in the investigation;

8. List this matter again on 19th of September, 2025.

JUDGE

Comparing Assistant