

GAHC010210782025



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

Case No. : AB/2279/2025

AKHIRUL ISLAM AND 3 ORS.
SON OF - ABDUL HAMED RESIDENT OF VILLAGE - DIARA POST OFFICE-
PURAN DIARA POLICE STATION-MANKACHAR DISTRICT- SOUTH
SALMARA MANKACHAR (ASSAM) - 783135

2: HASHINA KHATUN
WIFE OF AKHIRUL ISLAM
RESIDENT OF VILLAGE - DIARA POST OFFICE- PURAN DIARA POLICE
STATION-MANKACHAR DISTRICT- SOUTH SALMARA MANKACHAR
(ASSAM) - 783135

3: BILLAL SK ALIAS BILLAL SHEIKH
SON OF ABDUL HAMED RESIDENT OF VILLAGE - DIARA POST OFFICE-
PURAN DIARA POLICE STATION-MANKACHAR DISTRICT- SOUTH
SALMARA MANKACHAR (ASSAM) - 783135

4: ASHENA KHATUN
WIFE OF BILLAL SK RESIDENT OF VILLAGE - DIARA POST OFFICE-
PURAN DIARA POLICE STATION-MANKACHAR DISTRICT- SOUTH
SALMARA MANKACHAR (ASSAM)- 78313

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. K MOHAMMED, MR. S M MUNIR

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS**

ORDER

Date : 25.09.2025

Heard Mr. K. Mohammed, learned counsel for the petitioners. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State.

2. By this petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners, namely, **(i) Akhirul Islam (ii) Hashina Khatun (iii) Billal Sk @ Billal Sheikh (iv) Ashena Khatun**, have prayed for granting pre-arrest bail, apprehending arrest in connection with Mankachar P.S. 87/2025 under section 103/3(5) of BNS, 2023.

3. The learned Additional Public Prosecutor for the State has produced the case diary and fairly submits that the materials revealed during investigation that there is no involvement of the present petitioners. But the other circumstances which have emerged, the matter would require full investigation.

4. The learned counsel for the petitioners submits that the petitioner No. 2 is the wife of the petitioner No. 1, aged about 35 years, has given birth to a child on 19.09.2025. As such, interim pre-arrest bail may kindly be granted in favour of the petitioner No. 2.

5. By and large, I agree with the submission made by the learned Additional Public Prosecutor; but I deem it fit to grant bail to the petitioner No. 2, subject to conditions. Further, in the circumstances and materials available so far, I am of the considered opinion that this is not an appropriate case to grant anticipatory bail to the other petitioners at this stage.

6. Accordingly, it is provided that in the event of arrest of the petitioner No.2, named above, in connection with Mankachar P.S. 87/2025 under section 103/3(5) of BNS, 2023, she shall be released on furnishing bail bond of **Rs.20,000/-** with **a suitable surety** of the like amount, to the satisfaction of the arresting authority.

7. The direction for pre-arrest bail is subject to the condition that the petitioner No. 2:

(a) shall cooperate with remaining investigation;

(b) shall not hamper or tamper with evidence; and

(d) shall not in any manner try to influence any witnesses.

8. Violation of condition(s) shall entail cancellation of pre-arrest bail.

9. The anticipatory bail application stands **partly allowed** and disposed of.

JUDGE

Comparing Assistant