

GAHC010267352025



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

Case No. : AB/2872/2025

SAPAN RAY ALIAS SWAPAN RAY
S/O LATE PUREN RAY
R/O VILL- BOITAMARI
P.S. ABHAYAPURI
DIST. BONGAIGAON, ASSAM
PIN-783384

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MD S HOQUE, MR J HUSSAIN, MR. M DEKA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

20.01.2026

1. Heard learned counsel Mr. S. Hoque for the petitioner Sapan Ray @Swapan Ray who has filed this application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as he is apprehending

arrest in connection with PRC No. 215/2024 under Sections 448/436 of the IPC arising out of Abhayapuri Police Station Case No. 80/2024.

2. Heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the respondent State.

3. It is submitted on behalf of the petitioner that the petitioner has co-operated with the investigation in compliance with the order of this Court dated 19.03.2024 in connection with AB Case no. 742/2024. On submission of charge-sheet, the petitioner was directed to appear before the learned Jurisdictional Court.

4. It is submitted that while submitting his bail application before the Court of the learned Additional Sessions Judge (FTC), North Salmara, Abhayapuri an affidavit was sworn in by the petitioner that no case was pending in any other Court. The Case Diary was called for to consider the bail application and vide order dated 11.11.2025, the learned Additional Sessions Judge rejected the bail application as the Case Diary revealed that the petitioner had preferred a bail application before this Court. On the ground that the petitioner executed a false affidavit, the bail application of the petitioner was rejected.

5. It is submitted that the petitioner was not aware of the contents of the bail application. His engaged counsel had prepared the bail application. The petitioner prays for bail as it was not his fault that the false affidavit was sworn by him.

6. Learned Additional Public Prosecutor has raised serious objection stating that the conduct of the petitioner clearly reveals that the victim will be threatened by the petitioner. The petitioner is of aggressive nature.

7. I have considered the submissions at the Bar with circumspection.

8. I have also scrutinized the scanned copies of the Trial Court Records. Charge-sheet has been submitted against the petitioner.

9. The petitioner is willing to co-operate with the trial and to abide by any stringent bail conditions if imposed upon him. It is submitted on behalf of the petitioner that he will not go anywhere near the victim or exercise threats on her.

10. After considering the submissions at the Bar, it appears that anticipatory bail may be granted to the petitioner.

11. In the event of his arrest, the petitioner shall be enlarged on bail on furnishing a bail bond of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the learned Jurisdictional Court/Elaka Magistrate under the conditions that:

- (i) The petitioner shall not exercise threats to the victim,
- (ii) The petitioner shall not go anywhere near the victim or the informant, and
- (iii) The petitioner shall not leave the jurisdiction of the court without prior permission till completion of trial.

12. On breach of any of the bail conditions, the Court is at liberty to immediately cancel the bail granted to the petitioner.

13. This bail application stands disposed of.

JUDGE

Comparing Assistant