

GAHC010279992025



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

Case No. : AB/2955/2025

AJAY JAISWAL AND ANR
S/O LATE RAJ NARAYAN JAISWAL
R/O HOUSE NO. 22, A.K. AZAD ROAD, ARYA NAGAR
P.S. BHARALUMUKH,
DIST. KAMRUP (M), ASSAM

2: SHANTA JAISWAL
W/O AJAY JAISWAL
R/O HOUSE NO. 22
A.K. AZAD ROAD
ARYA NAGAR
P.S. BHARALUMUKH

DIST. KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. A AHMED, MR. S H ZAMAN, MR. S. ALOM, U U KHAN

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA**

ORDER

15-12-2025

Heard Mr. A. Ahmed, learned counsel for the petitioners and Mr. K. Baishya, learned Additional Public Prosecutor, for the State respondent.

This is an application under Section 482 BNSS, 2023 praying for grant of pre-arrest bail to the accused/petitioners, namely, **(i) Ajay Jaiswal** and **(ii) Shanta Jaiswal** who are apprehending arrest in connection with **Basistha P.S. Case No. 591/2025** under Sections 3(5)/115(2)/117(2)/109 of BNS, 2023.

It is submitted by Mr. Ahmed, learned counsel that the present petitioners are the father and mother of the FIR named accused Aditya Jaiswal and from the plain reading of the FIR itself, it is seen that at the time of the occurrence, there was a group fight between two groups wherein, the FIR named accused person along with some other alleged to have kill the son of the informant.

The present two petitioners were earlier called in the police station wherein they appeared, but now they were pressurized to produce their son, namely Aditya Jaiswal, who is an FIR named accused. But till date, they have no contact with their son and they also did not know about the whereabouts of their son.

However, the both petitioners are ready and willing to extend their cooperation in further investigation of the case, if they are granted with some interim protection and they even ready to surrender their mobile handsets before the I.O. if it is required.

Mr. Baishya, learned Addl. PP submitted in this regard that the CCTV footage may reveal the involvement of the other persons in the alleged offence. However, he did not raise any objection in granting interim pre-arrest bail to the mother of the FIR named accused Aditya Jaiswal, i.e., petitioner No.2, who may not be present at the time of the concert. But he raised objection with regard to granting of interim pre-arrest bail to the petitioner No.1.

Considering all the aspects of the case, vis-à-vis the contents of the FIR and other aspects of the case, the petitioner No.2, is hereby granted the privilege of interim pre-arrest bail, till the next date of listing of the matter.

Accordingly, it is provided that in the event of arrest of the petitioner No. **(ii)**, namely, **Shanta Jaiswal**, in connection with **Basistha P.S. Case No. 591/2025** under Sections 3(5)/115(2)/117(2)/109 of BNS, 2023, she shall be enlarged on interim pre-arrest bail on her executing a bail bond of Rs.20,000/- (Rupees Twenty Thousand) only with one surety of the like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the petitioner shall appear before the Investigating Officer of the case within a period of 1(one) week from today to enable recording of her statement;
- (ii) that the petitioner shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. Case and
- (iii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade

him/her from disclosing such facts to the Court or to any police officer.

List the matter, accordingly, on **06.01.2026** for production of the up-to-date Case diary.

JUDGE

Comparing Assistant