

GAHC010284192025



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

Case No. : AB/3052/2025

RAKESH BORBHUYAN
S/O BODORUDDIN BORBHUYAN, R/O HOUSE NO. 13, ISLAMPUR ROAD,
NEAR ISLAMPUR MASJID, P.S.- PALTANBAZAR, KAMRUP (M)-781007

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. FIRUZ KHAN, DR AZIZ KHAN,MR. ABHIJIT MENA,MR U
CHAUDHURY,P DAS,MR. T K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 21.01.2026

- 1.** Heard Mr. F. Khan, the learned counsel for the petitioner.
- 2.** This application under section 482 of BNSS was filed by the petitioner apprehending his arrest by Hatigaon Police Station.
- 3.** However, since no FIR was registered against him, a report was called

for from the concerned police station.

4. Mr. P. Borthakur, the learned Additional Public Prosecutor for the State respondent has placed the report forwarded by SI of police Shri Jatin Tahu of Hatigaon police station wherein it has been indicated that on the basis of a complaint received by one Anand Agarwal against the present petitioner, namely, Rakesh Borbhuyan, a GD entry, that is Hatigaon Police a GD Entry Number 24/2025 dated 10.12.2025 has been made and an inquiry is being conducted by the police of the Hatigaon Police Station.

5. However, due to the fact that the statement of the petitioner could not be recorded till date, the inquiry could not be completed and as on date, no FIR has been registered on the basis of the aforesaid complaint.

6. I have considered the submissions made by the learned counsel for both sides. And have gone through the report furnished by the SI of Police of Hatigaon, Mr. Jatin Tahu, it appears that by order dated 05.01.2026, this Court directed that no coercive action should be taken against the petitioner till the next date, i.e. till today.

7. The learned counsel for the petitioner has submitted that the petitioner is ready to cooperate in the inquiry.

8. Considering the submissions made by the learned counsel for the petitioner, this anticipatory bail application is disposed of with a direction to the petitioner to appear before the Inquiry Officer of the complaint filed by the complaint by the Anand Agarwal, Hatigaon Police Station within seven days from the date of this order and cooperate in the said inquiry.

9. If on the basis of the said inquiry, an FIR is registered and if the petitioner is arrested in connection with the said FIR, he shall be allowed to go on bail of Rs. 30,000 (Rupees Thirty Thousand) only with one surety of like

amount subject to the following conditions.

i. He shall cooperate in the investigation if such an investigation is started on the basis of complaint filed by the Anand Agarwal.

ii. The petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to other person who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court.

10. With the above observations, this anticipatory bail application is disposed of.

JUDGE

Comparing Assistant