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

Case No. : AB/1202/2026

SAFIQUL HAQUE ALIAS KHAN
SON OF RASTUM ALI RESIDENT OF SIDALKUSHI, LACHIMA, POLICE STATION- MUKALMUA, DISTRICT- NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. U K BARMAN, MR. R KONWAR,MR D PEGU,MR H ALI

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

15.07.2026

Heard Mr. U.K. Barman, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the Sate.

2. This is an application filed under Section 482 of the BNSS, 2023 in connection with Dispur Case No. 453/2025 (Amalgamated with Dispur P.S. Case No. 694/2025) under Section

126(2)/118(2)/64(1)/351(3) of the BNS.

3. The informant lodged an Ejahar before the Officer-in-Charge, Boko Police Station alleging inter-alia that friendship developed between her and the accused person and later on when she tried to maintain distance, the accused person started threatening her in various ways and hacked her mobile phone and whatsapp. The accused person threatened her that he would dissolve her marriage with her husband and kill her husband and by blackmailing her, he forced her to shift her room near his rented room. That in the rented room, the accused person committed rape upon her and used to physically assault her if stops him from doing so. Later on when she came to know that the accused person is trying to sell her with some women trafficking group, she informed her husband and her husband rescued her from the room of the accused person while she was confined there. It has been further alleged that the accused person has many obscene videos of her in his phone and he threatened that he would make those videos viral in social media if she informs her husband.

4. The learned counsel for the petitioner submits that the informant and the petitioner were in a consensual relationship and it was only after the husband of the informant discovered the said relationship that the informant was compelled to lodged the instant FIR.

5. The Case Diary called for has been received and the same has been perused.

6. A perusal of the statement of the victim recorded by the Magistrate, as well as by the police, does not reveal any allegation of rape having committed by the petitioner as alleged in the FIR. Moreover, more than 1 year has elapsed since the alleged occurrence and lodging of the FIR.

7. Having regard to the above, the prayer of pre-arrest bail is allowed. The petitioner, in the event of his arrest shall be released on pre-arrest bail upon furnishing a bail bond of Rs. 50,000/- with one surety of like amount to the satisfaction of the Arresting Authority, subject to the following conditions:

i) That the petitioner shall co-operate in the investigation.

ii) That the petitioner shall not try to influence the witnesses of the case.

8. Accordingly, the Anticipatory Bail application is allowed and disposed of.

9. Send back the Case Diary.

JUDGE

Comparing Assistant