GAHC010133172026

2026:GAU-AS:10158

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

Case No. : AB/1456/2026

MAINA KHATUN
W/O- HORMUJ ALI VILL. KODOMTOLI P.S.-TOPATOLI DIST. KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE P.P. ASSAM.

2:MALEK
S/O- ABDUL KHALEK R/O- VILL- TOPATOLI KADAMTOLI P.O- TOPATOLI P.S- KHTERI DIST- KAMRUP(M)
ASSAM PIN- 78240

Advocate for the Petitioner : MR. A A MONDAL, MR. S UDDIN,MR R A AHMED

Advocate for the Respondent : PP, ASSAM, MR A ALAM(R2)

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 24-07-2026

Heard learned counsel Mr. A.S. Ali on behalf of learned counsel Mr. A.A. Mondal for the petitioner, learned Additional Public Prosecutor Mr. M.P. Goswami for the State of Assam and learned counsel Mr. A. Alam for the respondent No.

2.

2. The petitioner Maina Khatun has filed this application under Section 482 of the BNSS, 2023 with prayer for pre-arrest bail as she is apprehending arrest in connection with connection with Khetri PS Case No. 31/2026 (GR No.1372/2026) under Sections 142/65(1)/49 of the BNS, 2023 r/w Section 6/17 of the POCSO Act.

3. The FIR unfolds that the petitioner along with the co-accused induced the minor victim 'X' to go with them and thereafter, the victim was confined in Manjirul's house, who sexually assaulted the victim.

4. Learned Additional Public Prosecutor has raised serious objection, stating that there are incriminating materials in the Case Diary against the petitioner.

5. Learned counsel for the informant has submitted that he has no objection if the petitioner is released on bail.

6. I have considered the submissions at the bar with circumspection. Indeed, there are incriminating materials in the Case Diary against the petitioner.

7. It is submitted by the learned counsel for the petitioner that the change of circumstances in this case is that the investigation has progressed substantially. It is also submitted that the petitioner is a mother of two minor children and if she is forwarded to custody, the minor children will suffer immensely.

8. Considering the entire aspect of the matter, the petitioner Maina Khatun is granted pre-arrest bail. In the event of her arrest, the petitioner shall be

enlarged on pre-arrest bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that :-

(i) the petitioner shall appear before the Investigating Officer within one week and cooperate with the investigation;

(ii) the petitioner shall appear before the Investigating Officer on every fortnight till completion of investigation;

(iii) the petitioner shall refrain from such activities with which she is alleged and;

(iv) the petitioner shall not leave the jurisdiction of the Court without prior permission.

9. On breach of any of the bail condition, the order granting pre-arrest bail shall stand cancelled.

10. In terms of the above observation, this Anticipatory Bail application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant