GAHC010134472026

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

Case No. : AB/1500/2026

MD MUKTAR ALI
SO NURUL HOQUE, R/O RAIKATA CHANDANPUR, PS HOJAI, DIST HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:JAMIR UDDIN AHMED
S/O LATE ABDUS SATTAR
SECRETARY
KOMORAKATA GP
RO KAPASHBARI
PS HOJAI
DIST HOJAI
ASSAM

3:ASIYA BEGUM
W/O MUKTAR ALI
R/O RAIKATA CHANDANPUR
PO KOMORAKATA
PS AND DIST HOJAI
PIN 78243

Advocate for the Petitioner : MR D MEDHI, MR. A HUDA,MR K THAKUR

Advocate for the Respondent : PP, ASSAM, MR P R SARMA(R3)

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date : 07. 08.2026

Heard Mr. RK Talukdar, learned counsel for the petitioner and Mr. RJ Baruah, learned Addl. Public Prosecutor, Assam for the State respondent. Also heard Mr. P.R. Sarma, learned counsel for the victim.

2. This is an application under Section 482 of BNSS, 2023, for granting pre-arrest bail to the petitioner namely **Md. Muktar Ali** apprehending arrest in connection with **Special (POCSO) Case No. 145/2024** (Hojai PS Case No. 435/2023) registered Sections 376(1) of the IPC read with Sections 9/10/11 of the PCM Act, read with Sections 6/17 of the PCSO Act, pending before the learned Special Judge, Hojai, Sankardev Nagar, Assam.

3. The allegation made against the petitioner is that the victim was forcefully married to the petitioner in lieu of money and the incident was known to the informant that the victim had married when she was minor. The marriage took place with knowledge of the fact of minority of the victim on the part of both sides.

4. It is submitted that it is a case of adolescent love and the victim who was in a love affair with the petitioner and eloped with him and subsequently she got married to the petitioner. It is also contended that the victim had attained majority when she became pregnant.

5. The learned counsel for the informant also submits on the same line.

6. The aforesaid submission finds force from the statement of the victim available in the TCR. Furthermore, it appears that the documents relied upon by

the I.O. to prove the majority of the victim are the Aadar Card and one Mother and Child Protection Card, which are not recognized as valid proof of age under the purview of the Juvenile Justice (Care & Protection of Children) Act, 2015, which is applicable for determination of the age of the victim. The same are also not valid under the POCSO Act.

7. Having regard to the above, the prayer for pre-arrest bail is allowed.

8. Accordingly it is directed that the petitioner named above in the event of his arrest in connection with the aforementioned case, shall be released on bail on furnishing a bail bond of Rs. 50,000/- with 2 sureties of the like amount to the satisfaction of the learned Special Judge, Hojai, at Sankardev Nagar. It is further provided that the petitioner shall appear before the I.O. as and when required for the purpose of investigation of the case and shall cooperate with the investigation.

10. The petition stands allowed.

JUDGE

Comparing Assistant