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2026:GAU-AS:13007

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

Case No. : AB/2137/2026

MAHKUB ALI AND ANR
SON OF RAZAT ALI,

2: MARJINA BEGUM
WIFE OF MAHKUB ALI

BOTH ARE RESIDENT OF VILLAGE HAMLAKUR
PBALIKUCHI
PS-MUKALMUA
DISTRICT-NALBARI
ASSAM
PIN-78112

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D CHOUDHURY, MS. A KHARBANI,MR J DAS,MR T CHAKRABORTY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 08.09.2026

Heard Mr. D. Choudhury, the learned counsel for the petitioners and Mr. R. J.

Baruah, the learned Addl. Public Prosecutor for the State of Assam.

2. By this application, the petitioners, being the parents of Accused No. 1 in the FIR have prayed for pre-arrest bail in connection with Hajo P. S. Case No. 410/2026, registered under Sections 69/316(2)/308(2) of BNS, 2023.

3. The FIR in connection with which the petitioners are apprehending arrest was lodged by the alleged victim on 13-08-2026, stating *inter alia* that, she was in a relationship with Accused No.1, i.e. the son of the petitioners for the last 4 years and that, the family of Accused No.1, i.e. the petitioners had deferred the marriage and that the Accused No.1, i.e. the son of the petitioner had cheated her. It is also stated in the FIR that, although an agreement was reached between the parties for court marriage, but then again it was deferred and that money was also taken by the son of the petitioners.

4. Mr. Choudhury, the learned counsel for the petitioners, submits that there was no false promise to marry on the part of the son of the petitioner and that the petitioners had sincerely went to the house of the victim and marriage was fixed and as such, he submits that the petitioners have no complicity in the said offence as stated by the victim.

5. Mr. R. J. Baruah, the learned Addl. Public Prosecutor for the State, in his usual fairness has however, submitted that being the parents of Accused No.1, cannot be implicated for the offence of cheating or extortion or false promise to marry.

6. On consideration of the submissions of the learned counsels, more so, in view of the fact that, no specific allegations were made against the petitioners,

who are parents of Accused No.1, this court deems it fit to enlarge the petitioners on pre-arrest bail on furnishing of a bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with one local surety each of the like amount to the satisfaction of the Arresting Authority under the following conditions:

(i) The petitioners shall appear before the IO within a period of 10 days from the passing of this order.

(ii) The petitioners should not hamper and tamper with the evidence of the case, and/or influence the witness connected with the case; and

(iii) The petitioners will not leave their residence without prior permission of the Arresting Authority/I.O.

7. The AB Application stands disposed of.

JUDGE

Comparing Assistant