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2026:GAU-AS:16265

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

Case No. : AB/1457/2026

SURMAN ALI,
S/O- ABDUS SABUR SHEIKH VILL- MANIRCHAR P.S-SOUTH SALMARA
DIST- SOUTH SALMARA MANKACHAR, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
TO BE REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:ELIAS ZABED SARKAR
S/O. LATE- ABDUL SALAM SARKAR
R/O-VILL P.O - PATAKATA
P.S- SOUTH SALMARA
DIST - SOUTH SALMARA-MANKACHAR
ASSAM. PIN-78312

Advocate for the Petitioner : MR. S MUNIR, MR A RAHMAN,Mr M U Ahmed

Advocate for the Respondent : PP, ASSAM, MR. T DEURI

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 05.11.2026

Heard Mr. M.U. Ahmed, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor appearing for the State.

This is an application filed under Section 482 of the BNSS, 2023 praying for granting pre-arrest bail to the accused applicant namely, Surman Ali, in connection with South Salmara P.S. Case No. 83/2026 under Sections 85/115(2)/74/351(3) BNS, R/W Section 8 of POCSO Act.

An FIR was lodged by one Elias Zabed Sarkar before the Officer-in-Charge South Salmara Police Station 09.06.2026 alleging *inter alia* that the accused person is the son-in-law of the informant and his daughter, namely, Iliza Begum Sarkar was married to the accused person. It is alleged that after their marriage about three years ago, the accused started misbehaving and harassing his daughter and accordingly, the daughter came back to the parental house.

While the daughter was staying in the parental house, the accused applicant used to visit the house and in one of those occasions, the accused applicant had inappropriately touched his younger daughter, who was a minor at that point of time.

On the basis of the FIR, police registered South Salmara P.S. Case No. 83/2026 under the aforementioned Sections and after investigation, police has filed Charge-Sheet against the accused applicant.

The learned counsel for the accused applicant submits that there was some dispute between the husband and wife due to which, FIR has been lodged by the informant against the accused applicant falsely to harras him.

He submits that the accused applicant is a school teacher and he is willing to cooperate with the investigation in the event he is granted the privilege of pre-arrest bail.

The scanned copy of the TCR has been received and the same is perused.

Mr. P. Borthakur, learned Additional Public Prosecutor opposes the prayer

for pre-arrest bail to the accused applicant.

Taking into account the entire facts and circumstances of the case as well as the materials available in the TCR, this Court is not inclined to grant any relief to the accused applicant at this stage.

Accordingly, the anticipatory bail application stands rejected and dismissed.

JUDGE

Comparing Assistant