GAHC010140452026

2026:GAU-AS:15359

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

Case No. : AB/1536/2026

AJINUR ALI AND 2 ORS.
S/O- ABU JILAL ALIAS ABU JEHAL

2: ABU JILAL ALIAS ABU JEHAL
S/O- LATE RASULUDDIN

3: SALAMUDDIN ALIAS ABDUL SALAM
S/O- LATE RASULUDDIN
ALL ARE RESIDENT OF VILL- NO.1 JAMLAI JAMLAI P.O.- JAMLAI P.S- NAGARBERA DIST- KAMRUP
ASSAM. PIN-78112

VERSUS

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

2:JAHANARA KHATUN
W/O- AMZED ALI
R/O- VILL.- NO.1 JAMLAI JAMLAI
P.O.- JAMLAI
P.S.- NAGARBERA
DISTRICT- KAMRUP R
ASSAM PIN-78112

Advocate for the Petitioner : MR. JITEN RABHA, MR. A ALI,P. KALITA,MR. A R HAZARIKA

Advocate for the Respondent : PP, ASSAM, MS T PARASHAR

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 12-10-2026

1. Heard Mr. A. Ali, the learned counsel appearing for the accused-applicants. Also heard Mr. K.K. Parasar, the learned Addl. P.P., Assam appearing for the State respondent.

2. This is an application under Section 482 of BNSS, 2023 praying for granting pre-arrest bail to the accused-applicants, namely **1) Ajinur Ali 2) Abu Jilal @ Abu Jehal** and **3) Salamuddin @Abdul Salam** in connection with **Nagarbera P.S. Case No.30/2026** registered under Sections **61(2)/331(4)/74/118(2)/189(2)** of BNS, 2023 read with Section **8** of the POCSO Act, 2012.

3. The gist of the case involved in the instant case is that on 06.06.2026, the mother of the victim girl lodged an FIR before the Officer-in-Charge, Nagarbera Police Station, alleging, *inter alia,* that 9 accused persons named in the FIR had assaulted her minor daughter and other family members of the informant. It is alleged that the FIR named accused No.2 Jainur Ali and accused No.3 Ajinur Ali entered into the room of the informant's minor daughter and after covering her mouth, she was taken outside and an attempt to rape was committed upon her. It is also alleged in the FIR that an altercation occurred between the parties and the father-in-law of the informant was seriously beaten up by the accused persons named in the FIR.

4. The learned counsel appearing for the accused-applicants submits that

the allegations levelled in the FIR are not correct and in fact, on 2nd June, 2026, the wife of Abdul Hussain had lodged an FIR against one Amzed Ali, Habej Ali and Salam Ali alleging an attempt to outrage the modesty of the minor daughter of the informant and in the said incident, one finger of the victim girl was also severed. The learned counsel appearing for the accused-applicants submits that though the case has been registered under Section 8 of the POCSO Act, however, no allegation under the POCSO Act has been made against the accused-applicant Nos.2 and 3. Therefore, he submits that there should not be any bar in granting pre-arrest bail to the accused-applicants.

5. A coordinate Bench of this Court vide order 07.07.2026 has granted interim pre-arrest bail to the accused-applicant Nos.2 and 3. However, no interim protection was granted to the accused-applicant No.1.

6. The case diary in the instant case has been received and the same is perused.

7. The learned Addl. P.P. has objected to the prayer for grant of pre-arrest bail to the accused-applicant No.1 in the instant case, as there are sufficient materials against the accused-applicant No.1.

8. Taking into account the facts of the case in it’s entirety and after perusing the materials available in the case diary, this Court is of the considered opinion that the interim pre-arrest bail granted to the accused-applicant Nos.2 and 3 should be made absolute.

9. Accordingly, the interim pre-arrest bail granted to the accused-applicant Nos.2 and 3 vide order dated 07.07.2026 is made absolute.

10. However, as far as the accused-applicant No.1 is concerned, this Court on finding prima facie sufficient material against the accused-applicant No.1, the prayer for pre-arrest bail of the accused-applicant No.1 is rejected at this stage.

11. In terms of the aforesaid directions, the instant anticipatory bail application is disposed of.

JUDGE

Comparing Assistant