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

Case No. : AB/1986/2026

AFJAL HUSSAIN
S/O AHAMMAD ALI, RESIDENT OF VILLAGE- TITAPANI P.O.- BALAGAON,
P.S. - KALGACHIA, DISTRICT- BARPETA, ASSAM, PIN-781319

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR.

2:MORIUM KHATUN
W/O- BAHAR UDDIN BORBHUYAN
RESIDING AT- DIGJANI
POLICE STATION- KALGACHIA
DISTRICT- BARPETA
ASSAM
PIN- 781319

Advocate for the Petitioner : R AMIN, S K RAHMATULLAH

Advocate for the Respondent : PP, ASSAM, MR. I HUSSAIN(R2),MR N JAMAL(R2),MR A K AZAD(R2)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 05-10-2026

1. Heard Mr. R. Amin, the learned counsel appearing for the accused-applicant. Also heard Mr. M.P. Goswami, the learned Addl. P.P., Assam appearing

for the State as well as Mr. A.K. Azad, the learned counsel appearing for the respondent No.2.

2. This is an application under Section 482 of BNSS, 2023 praying for granting pre-arrest bail to the accused-applicant, namely **Afjal Hussain** in connection with **Kalgachia P.S. Case No.80/2026** under Section **75** of BNS, 2023 read with Section **12** of the POCSO Act, 2012.

3. An FIR was lodged on 01.08.2026 by the informant before the Officer-in-Charge of Kalgachia Police Station, alleging that about 1 ½ months ago, the informant and her husband went to Guwahati for work. During those times, she left her daughter at her relative maternal aunt's house in Digjani. It is alleged that the accused person occasionally used to pick up and drop her daughter to and fro from school in his four-wheeler car. It is alleged that during picking up and dropping the accused-applicant used to show inappropriate videos to the victim girl in his mobile phone. It is alleged that they became aware of the same about a week back and therefore, complained to the villagers regarding the incident. However, as nothing had happened in the matter, the informant has filed the instant FIR. On receipt of the FIR, police registered Kalgachia P.S. Case No.80/2026.

4. The learned counsel appearing for the accused-applicant submits that the version of the informant in the FIR as well as the victim girl's statement under Section 183 BNSS are totally different and there is some improvisation and therefore, the version of the informant as well as the victim cannot be trusted. He therefore submits that the accused-applicant should be granted the

privilege of anticipatory bail.

5. The learned Addl. P.P, on the other hand, submits that there are sufficient incriminating materials against the accused-applicant of his involvement in the instant case. He, therefore, opposes the prayer for pre-arrest bail of the accused-applicant at this stage.

6. The learned counsel appearing for the respondent No.2 has also supported the submission of the learned Addl. P.P.

7. The scanned copy of the TCR in the instant case has been received.

8. This Court has perused the TCR as well as considered the submissions made by the learned counsels appearing for the respective parties.

9. On perusal of the scanned copy of the TCR, this Court prima facie found sufficient incriminating materials against the accused-applicant of his involvement in the instant case. Accordingly, this Court is not inclined to grant any anticipatory bail to the accused-applicant at this stage.

10. The anticipatory bail application is accordingly rejected.

JUDGE

Comparing Assistant