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2026:GAU-AS:14929

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

Case No. : Bail Appln./2462/2026

ANAR HUSSAIN
S/O ABDUL RAHIM ALIAS RAHIM ALI, R/O VILL KATHANI BILPAR, PS LAHORIGHAT, DIST MORIGAON, ASSAM

VERSUS

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

2:MINARA BEGUM
W/O HABIJUR RAHMAN

R/O VILL CHUTIA GAON
PRESENT ADDRESS BOGOLIPARA
PS LAHORIGHAT
DIST MORIGAON
ASSA

Advocate for the Petitioner : MR. N J DUTTA, MR. B HUSSAIN,MR A ALAM,MR. A A MONDAL,MR R A AHMED

Advocate for the Respondent : PP, ASSAM, MD. S Z B AKLAS(R2)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 06-10-2026

Heard Mr. N.J. Dutta, learned counsel for the accused applicant. Also heard Mr. M.P.

Goswami, learned Addl. P.P. Assam appearing for the State as well as Mr. S.Z.B. Aklas, learned counsel appearing for the respondent No. 2.

This is an application filed under Section 483 BNSS, 2023 praying for granting of bail to the accused applicant, in connection with Lahorighat P.S. Case No. 73/2026, registered under Sections 64(1)/ 137(2)/ 3(5) BNS read with Sections 6/ 17 of POCSO Act.

An FIR was lodged on 04-06-2026 before the Officer-in-Charge, Lahorighat Police Station by one Minara Begum against 04 accused persons alleging *inter alia* that the accused No. 1, namely, Habij Uddin lured his minor daughter aged about 17 years by giving false promises of love. It is alleged that on 15-10-2025, the accused No. 1 kept her minor daughter in his residence for a week and subjected her to physical exploitation. Exactly after one week of the aforesaid date the accused No. 1 and the accused No. 2 returned her daughter back to her house in presence of the public. It is alleged that on 30-10-2025 due to certain past grudge the accused No. 3, namely, Marufa Khatun took advantage of her absence from home and offered her minor daughter various false promises and lured her out of the house and thereafter, she was administered with certain intoxicating substance, thereby making her unconscious. It is alleged that, thereafter, she was put in a vehicle by accused No. 2, namely, Rois Uddin @ Lakhs Uddin. Thereby, they abducted her and took her to an unknown place in Jagiroad wherein they have allegedly raped her repeatedly. Subsequently, the accused persons acting in conspiracy took her minor daughter to Kerala and sold her to the accused No. 4, namely, Anar Hussain. It is alleged that the accused No. 4 kept the informant’s minor daughter

with him in Kerala for several days and raped her and physically assaulted her. After that the accused No. 1 also kept her with him for about a month and continuously raped her. On 23-05-2026, the informant's son rescued her minor daughter from the accused persons in Kerala and brought her back home. It is alleged that the informant's minor daughter is 06 months pregnant at the time of filing of the FIR.

On the basis of the FIR, police has registered Lahorighat P.S. Case No. 73/2026 under the aforementioned sections.

Mr. N.J. Dutta, learned counsel for the accused applicant submits that the accused applicant is neither involved in kidnapping nor taking her to Kerala. He submits that the accused applicant has given her shelter for certain point of time but there is no sexual assault on her by the accused applicant. The accused applicant is behind the bars for last 89 days and the Police has not completed the investigation as yet. He submits that taking into account of the aforesaid fact and his detention of 89 days, he should be enlarged on bail.

Mr. M.P. Goswami, learned Addl. P.P. Assam has confirmed that the charge sheet has not been filed in the instant case till date however, he opposed the grant of bail against the accused applicant taking into account the allegations made in the FIR.

Mr. Aklas, learned counsel appearing for the respondent No. 2 has also supported the submissions made by the learned Addl. P.P. Assam.

This Court has considered the submissions made by the learned counsel for the respective parties and has also considered the materials available in the case diary.

Taking into account of the fact that 89 days have already passed and no charge sheet has been filed, and that the mandatory detention period without filing of the charge sheet in the instant case is 90 days, this Court is of the considered view that the accused applicant should be enlarged on bail, at this stage.

In view of the above, it is directed that the accused applicant, namely, Anar Hussain, shall be released on bail on furnishing of bail bond of Rs. 50,000/- with two sureties of like amount to the satisfaction of the learned Special Judge (POCSO), Morigaon, subject to the following conditions:

(i) The accused applicants shall cooperate with the investigation and make himself available as and when called for by the Investigating Officer.

(ii) The accused applicant shall not leave the jurisdiction of the court of the learned Sessions Judge, Morigaon without prior approval from the learned Sessions Judge, Morigaon.

In terms of the aforesaid direction, the instant bail application stands disposed of.

JUDGE

Comparing Assistant