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

Case No. : AB/2194/2026

SURMAN ALI AND 3 ORS.
SON OF BASER ALI R/O VILL ASHUDUBI PS KRISHNAI DIST GOALPARA ASSAM

2: SAMER ALI
SON OF BASER ALI R/O VILL ASHUDUBI PS KRISHNAI DIST GOALPARA ASSAM

3: JAKIR ALI
SON OF VILL ASHUDUBI PS KRISHNAI DIST GOALPARA ASSAM

4: HAJARAT ALI ALIAS FOKIR ALI
SON OF BASER ALI R/O VILL ASHUDUBI PS KRISHNAI DIST GOALPARA ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B J MUKHERJEE, MS R SAHA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 12.10.2026

Heard Mr. B.J. Mukherjee, learned counsel for the accused applicants. Also heard Ms. A. Begum learned Additional Public Prosecutor appearing for the State.

2. By this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the accused applicants, namely, **1. Surman Ali, 2. Samer Ali 3. Jakir Ali 4. Hajarat Ali @ Fokir Ali**, have prayed for grant of pre-arrest bail in connection with Krishnai P.S. Case No.33/2026 (GR No.377/26) registered under Sections 137/127(4)/69/64/308(2)/3(5) of BNS, 2023 [PRC 553/26].

3. An FIR was lodged on 05.05.2026, before the Superintendent of Police, Goalpara by one Nasiron Khatun, the complainant, alleging *inter alia* that being evicted by the government from her house, the complainant had started residing as a tenant in the house of the one Rejibul Haque of Ashudubi village. Her husband was sentenced for some offence committed by him. Taking the advantage of such situation, the accused persons had kidnapped the complainant forcefully while she came out at night and confined her in the house of the accused No.5, Hamed Ali Jallad, and forcefully raped her. Thereafter, on 04.03.2026, the accused persons showed her a dagger and robbed her off her jewelries worth Rs.2,70,000/- by threatening to kill her and also took her signatures on some blank papers.

4. It is also alleged that the accused persons wrongfully confined her from 03.03.2026 till 27.04.2026 and gang raped her and then drove her out of the house of the accused No.5.

5. On receipt of the FIR, Police registered Krishnai P.S. Case No.33/2026 (GR No.377/26) under the aforementioned sections.

6. The learned counsel for the accused applicants submits that as far as the applicants Nos. 2, 3 and 4 are concerned, in the charge-sheet there is no mention of commission of rape. The only offences that have been put against them are under Section 127(4)/137 read with Section 3(5) of the BNS. He submits that there was no kidnapping in the case as can be seen from the FIR itself. He further submits that the accused applicants Nos. 2, 3 and 4 are the brothers of the accused applicant No.1 and they were not involved in any kind of rape or wrongful confinement of the complainant in the instant case and therefore, he submits that the accused applicants No. 2, 3 and 4 may be granted the privilege of pre-arrest bail.

7. He further submits that so far as the accused applicant No.1, Surman Ali, is concerned, though the charge-sheet has been filed against him under Sections 137/127(4)/69/64/308(2)/3(5) BNS, the aforesaid Sections are not applicable in toto against the accused applicant Surman Ali. It is also submitted that the accused applicant No.1 and the complainant in fact wanted to marry each other and they had also started residing together for some time.

8. He submits that taking into account the aforesaid facts, the accused applicants should be granted bail.

TCR in this case has been received and the same is perused.

9. The learned APP has opposed the prayer for bail in the case.

10. This Court has gone through the TCR in the instant case and has also considered the submissions made by the learned counsel appearing for the respective parties.

11. Taking into account the entire facts of the case, this Court is not inclined to grant any relief to accused applicant No.1 at this stage.

12. However, taking into account the materials available in the TCR, this Court is of the considered view that the accused applicants No.2, 3 and 4 can be granted anticipatory bail at this stage.

13. Accordingly, it is directed that in the event of arrest of the accused applicants Nos. 2 to 4, they shall be released on pre-arrest bail, on furnishing a bail bond of Rs. 30,000/- each, with a surety of like amount, to the satisfaction of the arresting authority, subject to the following conditions:-

(i) the accused applicants No.2 to 4 shall appear before the Investigating Officer within 10 days from today;

(ii) the accused applicants No.2 to 4 shall cooperate with the investigation and make themselves available as and when called for;

(iii) the accused applicants No.2 to 4 shall not tamper or hamper with the investigation of the case, in whatsoever manner.

In terms of the above, the instant application is disposed of.

JUDGE

Comparing Assistant