GAHC010199332026

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

Case No. : AB/2293/2026

ZAHIDUL ISLAM
S/O JAHAR UDDIN, R/O VILL.- NO. 2 JARAGURI, P.S.- MANIKPUR, DIST.- BONGAIGAON, ASSAM

VERSUS

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

2:SAIDUL ISLAM
S/O MAKBUL HUSSAIN
R/O VILL.- NO. 2 JARAGURI
P.S.- MANIKPUR
DIST.- BONGAIGAON
ASSAM

Advocate for the Petitioner : MR. M KHAN, MR. R. AHMED,MS J AKTAR

Advocate for the Respondent : PP, ASSAM, MS. D. DEVI(R2),MS CHITRALEKHA DAS(R2),MS. P TALUKDAR(R2),MR. K R PATGIRI(R2)

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 12.10.2026

Heard Mr. M. Khan, learned Counsel for the petitioner and Mr. DP Goswami, learned Additional Public Prosecutor for the State. Also heard Ms. D. Devi, learned Counsel for respondent no.2.

2. By this application, the petitioner has prayed for pre arrest bail in connection with Manikpur PS Case No. 68/2026 registered under Section 87 BNS with added Section 137(2)/65(1) of BNS, 2023 as well as Section 4(2) of the POCSO Act. The FIR in connection with which the petitioner apprehends arrest was lodged by the father of the victim stating inter alia that on 19.08.2026, his minor daughter went missing and on searching her, he came to know that the petitioner had kidnapped her and detained her in some unknown place.

3. The learned Counsel for the petitioner submits that the victim and the petitioner were in love relationship and that the victim on her own volition went to the house of the petitioner from where the petitioner's relatives had handed her over to her parents.

4. Mr. DP Goswami, learned Additional Public Prosecutor for the State on perusal of the Case Diary more specifically the statement of the victim recorded by the Magistrate, submits that the victim had implicated the petitioner and stated that he forcefully took her to his house and kept her there and also forced upon her sexual relationship.

5. The learned Counsel for respondent no. 2 however submits that the matter has been amicably settled and that the informant had sworn in an affidavit stating that he had lodged the FIR on a misunderstanding.

6. Upon considerations of the submissions made by the learned Counsels for the parties, more so in view of the fact that the victim stayed in the house of the petitioner for two days and that the relatives of the petitioner had handed over the victim to the parents of the victim, this Court deems it fit to enlarge the petitioner on pre arrest bail on furnishing of bail bond of Rs. 20,000/- with one local surety of the like amount to the satisfaction of the Arresting Authority under the following conditions:

i) the petitioner will appear before the Investigating Officer within 15 days from the date of the order and if the petitioner does not appear within that period, the bail order may be cancelled.

ii) the petitioner will appear before the Investigating Officer thereafter as and when called for.

iii) the petitioner will not hamper, tamper with the evidence, neither influence the witnesses connected with the case.

iv) the petitioner will not leave the place of jurisdiction without the permission of the Arresting Authority.

7. Petition is disposed of.

JUDGE

Comparing Assistant