GAHC010204362026

2026:GAU-AS:15212

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

Case No. : AB/2395/2026

RUPSANA KHATUN ALIAS RUPSENA KHATUN
WIFE OF SAMIUL HASAN RESIDENT OF MOHISHGHUMA MANKACHAR SOUTH SALMARA DISTRICT SOUTH SALMARA MANKACHAR ASSAM PIN 783135

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. M P SARMA,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

08.10.2026

1. Heard Mr. M.P. Sarma, learned counsel appearing for the petitioner. Also heard Mr. R.J. Baruah, learned APP appearing for the State of Assam.

2. By this application the petitioner has prayed for grant of pre-arrest bail in connection with Mankachar P.S. Case No. 170/2026 registered under Sections

61(2)/111/318/336(3)/3(5) of the BNS, 2023 as well as under Sections 21/22/24 of the Immigration and Foreigners Act, 2025.

3. The FIR in connection with which the petitioner apprehends arrest was lodged by police personnel of Kalapani Outpost under Mankachar Police Station stating *inter alia* that upon receiving information regarding suspected cross-border movement and facilitation of foreign nationals the police team led by the informant proceeded to the area and detected a suspicious person, namely, Samiul Hasan. Upon interrogation he disclosed the name of the petitioner along with those of others alleging their involvement in facilitating cross-border movement.

4. The learned counsel appearing for the petitioner submits that the petitioner has been named by the co-accused and that she is not involved in the offence alleged in the FIR.

5. Mr. R.J. Baruah, learned APP upon perusal of the case diary submits that the petitioner is the wife of the arrested accused, namely, Samiul Hasan and that there are witnesses who have stated that Samiul Hasan and his wife used to receive several unknown persons at their residence and that they were involved in the alleged offence. Mr. Baruah further submits that incriminating materials in the form of documents were also seized from the petitioner's residence.

6. Upon consideration of the submissions made by the learned counsel for the parties and on perusal of the materials available in the case diary, it is seen that several persons used to visit the petitioner's residence who were stated to be guests and relatives and thereafter they were sent to different places. However, there is no statement of any witness to the effect that such persons were foreigners.

7. It is further seen that the petitioner was enlarged on interim pre-arrest bail by order dated 28.09.2026 with a condition to appear before the Investigating Officer within 10 (ten) days from the date of the order. Mr. R.J. Baruah, learned APP submits that the petitioner duly appeared before the Investigating Officer and her statement was recorded. As such, it appears that the petitioner has cooperated with the investigation.

8. Accordingly, the interim pre-arrest bail order dated 28.09.2026 is hereby made absolute, with the following conditions:

(i) The petitioner shall positively appear before the Investigating Officer as and when called for and cooperate with the investigation, without any fail,

(ii) The petitioner shall not hamper and tamper with the evidence of the case, and/or influence the witness connected with the case; and

(iii) The petitioner shall not leave his residence without prior permission of the Investigating Officer.

9. With the aforesaid directions the petition stands disposed of.

JUDGE

Comparing Assistant