GAHC010205982026

2026:GAU-AS:14928

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

Case No. : AB/2314/2026

MD. RAMJAN ALI
S/O KHUSKET ALI, R/O VTC CHUKULI BHORIA, P.O. CHABOTI, PIN- 787051,
P.S. NORTH LAKHIMPUR, DISTRICT- LAKHIMPUR, ASSAM

VERSUS

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

2:PARBIN SULTANA
D/O AAMIR HUSSAIN
R/O SABOTI MISSING GAON
P.O. CHABOTI
PIN- 787051
P.S. NORTH LAKHIMPUR
DISTRICT- LAKHIMPUR
ASSA

Advocate for the Petitioner : MR. P BORDOLOI,

Advocate for the Respondent : PP, ASSAM, MS. P CHOUDHURY

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 06-10-2026

Heard Mr. P. Bordoloi, learned counsel for the accused applicants. Also heard Mr.

M.P. Goswami, learned Addl. P.P. Assam appearing for the State as well as Ms. P. Choudhury, learned amicus curiae appearing for the respondent No. 2.

This is an application filed under Section 482 BNSS, 2023 praying for granting of pre-arrest bail to the accused applicants, in connection with North Lakhimpur P.S. Case No. 269/2026, registered under Sections 6 4(1) and 351(3) BNS read with Section 4 of POCSO Act.

An FIR was lodged by the informant before the Officer-in-Charge, Lilabari Police Outpost on 24-08-2026, alleging that the accused applicant got friendly with her 04 years back through some social media platform and thereafter, he had been insisting her to have a love relationship with him. It is alleged that the accused applicant frequently expressed his intention to marry the informant and repeatedly gave marriage proposals through phone calls, through messages in Instagram, Facebook and WhatsApp etc. It is alleged that few days ago the accused applicant took the complainant to an unknown place and forcibly established physical relationship with her. After the aforesaid incident the accused applicant stopped talking with the informant. Despite desperate attempts by the informant, she could not contact the accused applicant for some time after the incident. Subsequently, the informant came to know that the accused applicant was making preparations to marry another lady who resides in Darrang district. After coming to know about the aforesaid marriage and that the accused applicant had already performed ring ceremony with the aforesaid lady, she tried to contact the family members of the accused applicant. It is alleged that on such attempt, she was threatened by the family members of the accused applicant with dire consequences, if she tred to contact

them again. It was also alleged that they threatened to make certain videos, call recordings etc. of her viral.

On receipt of the FIR, police registered the same as North Lakhimpur P.S. Case No. 269/2026 under the aforementioned sections.

Mr. P. Bordoloi, learned counsel appearing for the accused applicant submits that the relationship between the accused applicant as well as the victim/ informant was consensual in nature and there was no forcible sexual act on the part of the accused applicant. He further submits that there was no cheating on the part of the accused applicant in the instant case and therefore, he should be granted pre-arrest bail in the instant case. In this connection, Mr. Bordoloi has referred to a case of ***State of UP Vs. Anurudh & Anr.*** reported in ***AIROnline 2026 SC 105***.

The case diary in the instant case has been received and this Court perused the same.

Mr. M.P. Goswami, learned Addl. P.P. Assam, on the other hand, opposes the prayer for pre-arrest bail to the accused applicant by submitting that there are sufficient incriminating materials against the accused applicant of his involvement in the instant case.

Ms. P. Choudhury, learned amicus curiae appearing for the respondent No. 2 has also supported the submissions made by the learned Addl. P.P. Assam.

This Court has considered the case that has been referred by the learned counsel appearing for the accused applicant and it is found that the facts of the case are clearly

distinguishable from the facts in the instant case.

Taking into account of the prima facie materials available against the accused applicant in the case diary, this Court is not inclined to grant any relief to the accused applicant, at this stage.

Accordingly, the instant A.B. application stands dismissed.

JUDGE

Comparing Assistant