GAHC010206462026

2026:GAU-AS:14769

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

Case No. : AB/2345/2026

ABDUL FARUK @ FARUK ALI
S/O MD. ABDUL SALAM
VILL- NO. 2 NELIPAR, P.S. KAMPUR
DIST. NAGAON, ASSAM, PIN-782425

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S ZAMAN, MR. M ALAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 05.10.2026

Heard Mr. S. Zaman, learned counsel appearing for the applicant and Ms. B. Bhuyan, learned Additional Public Prosecutor appearing for the State respondent.

2. By way of this application filed under Section 482 of the BNS, 2023, the applicant, namely, **Abdul Faruk @ Faruk Ali**, who is apprehending arrest,

seeks anticipatory bail in connection with **Kampur P.S. Case No. 49/2026**, registered under Sections 126(2)/115(2)/70(1) of the BNS.

3. The brief facts of the case are that on 28.04.2026 the complainant lodged and F.I.R. alleging that when she was proceeding form her matrimonial home towards her paternal home, the applicant along a co-accused gagged her and took her to the riverside, where they committed rape upon her.

4. It appears that the petitioner had earlier approached this Court by way of an anticipatory bail application, i.e., AB/1470/2026. However, this Court by order dated 03.08.2026, considering the statement of the victim indicating the involvement of the present applicant, rejected the same.

5. Mr. S. Zaman, learned counsel appearing for the applicant, submits that the applicant is a rice seller by profession and on the date of the occurrence, he was returning from Chaparmukh market to his residence on his motorcycle. At the relevant time, the co-accused was travelling as a pillion rider on his motorcycle. As the co-accused had certain monetary transactions with the victim, he requested the informant to stop for a few minutes in front of the house of the victim, whereafter the co-accused and the informant had a verbal altercation regarding the transaction of money, and thereafter a false case had been lodged against the applicant.

6. Ms. B. Bhuyan, learned Additional Public Prosecutor, submits that upon interrogation, the statement of the victim as well as the co-accused recorded during the investigation implicates the present applicant in the alleged offence.

7. I have given my anxious consideration to the submissions advanced by the learned counsel appearing for the parties and have also perused the materials available on record.

8. The object of granting anticipatory bail is to protect the liberty of an individual against unnecessary arrest while at the same time ensuring that the investigation is not hampered. While considering an application under Section 482 of the BNSS, 2023, the Court is required to strike a balance between the fundamental right to personal liberty and the interest of a fair and effective investigation. In doing so, the Court is required to consider, inter alia, the nature and gravity of the accusation, the specific role attributed to the applicant, the necessity of custodial interrogation, the stage of investigation, the likelihood of the applicant absconding or tampering with the evidence or influencing the witnesses, and his antecedents.

9. In the present case, it appears that though the investigation has substantially progressed, the same could not be brought to its conclusion mainly on account of the fact that the present applicant could not be interrogated. It further appears that the statement of the victim as well as that of the co-accused has already been recorded. It also appears that the co-accused has already been granted bail by the jurisdictional trial court by order dated 03.07.2026 in Bail Application No. 1015 (N)/2026.

10. Mr. S. Zaman, learned counsel appearing for the applicant, at this stage, submits that the applicant is willing to cooperate with the investigation. He further submits that the applicant shall appear before the investigating officer and also record his statement in accordance with law.

11. Having regard to the overall facts and circumstances of the case, the nature of the allegations, the stage of the investigation, the absence of any criminal antecedents, and the apparent absence of any compelling necessity for custodial interrogation, this Court is of the considered view that the applicant has succeeded in making out a case for the grant of anticipatory bail.

Needless to observe, the observations made herein are only for the purpose of deciding the present application and shall not be construed as an expression on the merits of the case during trial.

12. Accordingly, it is provided that in the event of arrest, the applicant named above, shall be released on pre-arrest bail in connection with the above noted case, on furnishing bail bond of **Rs. 50,000/- (Rupees Fifty Thousand), with one surety of like amount to the satisfaction of the arresting authority**, subject to the following conditions:-

i) That the applicant shall appear before the Investigating Officer within 7 days, failing which on and from the 8th day, the pre-arrest bail order shall have no force;

ii) That the applicant shall not directly or indirectly make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any Police Officer.

iii) That the applicant shall not tamper with, destroy, or alter any evidence related to this case.

iv) That the applicant shall furnish his mobile number to the investigating officer and keep the same operational during the course of the investigation.

v) That the applicant shall not leave the territorial jurisdiction of the State of Assam without informing the investigating officer until submission of the police report.

vi) That the applicants shall refrain from committing any

similar offences in future of which he is accused or suspected of commission.

13. The anticipatory bail application, accordingly, stands disposed of.

JUDGE

Comparing Assistant