GAHC010208242026

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

Case No. : AB/2346/2026

AINUL HOQUE AND 2 ORS.
S/O SAMSUL HOQUE, RESIDENT OF VILLAGE BHUTPUKHURI, P.S. KHARUPETIA, DISTRICT DARRANG, ASSAM

2: DILUWAR HUSSAIN @ DILOWAR HUSSAIN
S/O SURAP ALI
RESIDENT OF VILLAGE BOLOGORAH
P.S. DHULA
DISTRICT DARRANG
ASSAM.

3: SURAP ALI @ SORAP ALI
S/O MATLIB ALI
RESIDENT OF VILLAGE BOLOGORAH
P.S. DHULA
DISTRICT DARRANG
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR M HOQUE, MS. F YASMIN,MS J BEGUM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 06.10.2026

Heard Mr. M. Hoque, learned Counsel for the petitioners and Mr. RJ Baruah, learned Additional Public Prosecutor for the State.

2. By this application, three petitioners had prayed for pre arrest bail but it is stated by the learned Counsel for the petitioners that petitioner no.1 and 2 were already arrested and he is pressing this application only on behalf of petitioner no.3 namely Surap Ali @ Sorap Ali. The petitioner no.3 has prayed for pre arrest bail in connection with Dhula Police Station Case No. 105/2026 registered under Sections 108/3(5) of BNS, 2023. The FIR in connection with which the petitioner no.3 is apprehending arrest was lodged on 02.08.2026 by the father of the victim stating inter alia that his daughter committed suicide in her room by hanging and that when he checked her mobile phone, he found her daughter exchanging messages with petitioner no.1, who was arrested. He further stated that later on he came to know that his daughter informed the matter with regard to the fact that accused no.1 had mentally tortured her to petitioner no.3 but petitioner no.3 did not give any heed to her request.

3. The learned Counsel for the petitioners submits that petitioner no.3 is the guardian of petitioner no.1 and father of petitioner no.2 and that he is not involved in the offence.

4. On the other hand, Mr. RJ Baruah, learned Additional Public Prosecutor for the State submits that allegations are also made against the petitioner no.3 in the FIR and as such has prayed for calling of the Case Diary.

5. Upon considerations of the submissions made by the learned Counsels for

the parties, more so in view of the fact that no specific allegation is made against the petitioner no.3, which can result in suicide of the victim, this Court deems it fit to enlarge the petitioner no.3 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 no.3 will appear before the Investigating Officer within 10 days from the date of the order.

ii) the petitioner no.3 will appear before the Investigating Officer thereafter as and when called for.

iii) the petitioner no.3 will not hamper, tamper with the evidence, neither influence the witnesses connected with the case.

iv) the petitioner no.3 will not leave the place of jurisdiction without the permission of the Arresting Authority.

6. Petition is disposed of.

JUDGE

Comparing Assistant