GAHC010207402026

2026:GAU-AS:14906

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

Case No. : AB/2380/2026

ROFIQUE SK ALIAS ROFIQUE ALI
S/O ROBBEL ALI VILLAGE CHOTO HARIPUR P S SUKCHAR DISTRICT
SOUTH SALMARA MANKACHAR ASSAM PIN 783128

VERSUS

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

2:MOFIAL SK.
S/O JOYNAL HOQUE VILLAGE SOUTH KHOPATIA P S SUKCHAR DISTRICT
SOUTH SALMARA MANKACHAR ASSAM PIN 783128

Advocate for : MR. A Z AHMED
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

06.10.2026

Heard Mr. H. R. A. Choudhury, learned Senior Counsel assisted by Mr. A. Z. Ahmed, learned counsel for the applicant and Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent No. 1. Also heard Mr. Z. Hussain,

learned counsel for the respondent No. 2.

2. This application, under Section 482 of the BNSS, 2023, is preferred by the applicant, namely, **Rofique Sk @ Rofique Ali**, who has been apprehending his arrest in connection with Sukchar P.S. Case No. 68/2026, under Sections 127(2)/64(2)/(m)/75[1(i)]/49 of the BNS, 2023, read with Section 6 of the POCSO Act, 2012, for grant of pre-arrest bail.

3. It is to be noted here that the above noted case has been registered on the basis of one FIR lodged by one Abdul Sheikh (actual name withheld), on 07.09.2026.

4. The essence of allegation in the FIR, dated 07.09.2026, is that few days back, the applicant herein had uploaded naked photographs of the informant's minor daughter, namely, Smti 'X' (name withheld), aged 16 years, in social media, for which, the informant had lodged an FIR on 30.08.2026, before the O/C Sukchar P.S. Thereafter, on 04.09.2026, at about 7:00 PM, accused Abdul Matin took the informant's daughter to his house and shifted her to a room, and in the meantime, one Abdul Matin Mazumdar @ Abdul Matin went out from the house. Thereafter, the applicant committed rape upon his minor daughter, twice. And after sometime, said Abdul Matin Mazumdar returned to that room and touched her breasts and also tried to commit sexual assault upon her, as a result of which, she became senseless.

5. Mr. Choudhury, learned Senior Counsel submits that in fact, there was a talk for organizing marriage between the applicant and the victim and because of the age of the victim, the said proposal could not be materialized and that the

allegations in the FIR are false and the applicant is ready to cooperate with the investigating agency and therefore, he has contended to allow this application.

6. Per contra, Mr. Sarma, learned Additional Public Prosecutor has produced the case diary before this Court and referring to the submission of the victim girl recorded under Section 183 of the BNS, 2023, submits that the victim has clearly implicated the applicant with the offences alleged and the offences are serious in nature and that this is not a case where the privilege of pre-arrest bail can be granted and under such circumstances, he has contended to dismiss this application.

7. Mr. Hussain, learned counsel for the respondent No. 2 has vehemently opposed the petition on the ground that the I.O. has collected some materials against the present applicant and said Abdul Matin Mazumdar.

8. Having heard the submissions of the learned counsel for both the parties, this Court has carefully gone through the application and the documents placed on record and also gone through the case diary with the assistance of the learned Additional Public Prosecutor.

9. Case diary reveals that the I.O. has collected sufficient incriminating materials against the present applicant.

10. In her statement under Section 183 of the BNSS, 2023, the victim girl has clearly implicated the present applicant with the offence under Section 6 of the POCSO Act, 2012.

11. Considering the nature and gravity of the offence and also considering the fact that investigation is still going on, this Court is of the view that extending the privilege of pre-arrest bail to the applicant will hamper the investigation, and the possibility of tempering the witnesses also cannot be ruled out. And accordingly, this Court is inclined to dismiss this petition.

12. In terms of the above, this application stands disposed of.

13. Case diary be returned.

JUDGE

Comparing Assistant