GAHC010210452026

2026:GAU-AS:14779

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

Case No. : AB/2353/2026

SANOWAR HUSSAIN ALIAS SANOWAR RAHMAN
S/O AMIR HAMZA, VILL. FULKAKATA PT III, P.S. SOUTH SALMARA, DIST. DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM.

Advocate for the Petitioner : MR. S ISLAM, MR. AAYAAZ TAUFIQ,A R MONDAL,MR A HAWARI,MR B K MISHRA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

05.10.2026

1. Heard learned counsel Mr. S. Islam for the petitioner Sanowar Hussain @Sanowar Rahman who has filed this application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as he is apprehending arrest in connection with PRC No. 197/2026 corresponding to South

Salmara P.S. Case No. 18/2026 under sections 61(2)/331(3)/64(1)/296 of the BNS.

2. Heard Mr. P. S. Lahkar, learned Additional Public Prosecutor for the respondent State.

3. The FIR unfolds that on 11.02.2026, there was a musical night in the village of the informant. At about 9:49 pm, on the advice of the other two accused, the petitioner called the informant to the musical night, but the petitioner was not present in the function. Thereafter, when the informant returned home at that time, the petitioner fled away from his house. He learnt from his wife that the petitioner committed rape on his wife.

4. It is submitted on behalf of the petitioner that the other two accused have not been sent up for trial. It is also submitted that the petitioner although being falsely implicated is willing to co-operate with the trial. The petitioner is apprehending arrest as charge-sheet has been laid against the petitioner. The petitioner has submitted that he being a local resident is not a flight risk.

5. Learned Additional Public Prosecutor has raised serious objection against the petitioner’s prayer for anticipatory bail.

6. I have scrutinized the scanned copies of the Trial Court Records.

7. I have considered the submission that the petitioner is willing to co-operate with the trial. I have considered the submission that the petitioner is not a flight risk as he is a local resident.

8. It appears that anticipatory bail may be granted to the petitioner subject to certain conditions.

9. In the event of his arrest, the petitioner shall be enlarged on bail on furnishing a bail bond of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that:

(i) The petitioner shall co-operate with the trial;

(ii) The petitioner shall not leave the jurisdiction of the court without prior permission till completion of trial; and

(iii) The petitioner shall not exercise threats to the witnesses or tamper with the evidence.

10. On breach of any of the bail conditions, bail order shall stand automatically cancelled.

11. This anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant