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

Case No. : AB/2388/2026

SELIM UDDIN ALIAS SELIM MALIK
S/O LATE SOFIK UDDIN
A RESIDENT OF VILL- UDLAI BARJAHA GAON, P.S. LANKA, DIST. HOJAI, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. A AHMED, U U KHAN,MR. M A CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 12.11.2026

Heard Mr. A. Ahmed, learned counsel for the petitioner and Mr. M. P. Goswami, learned Addl. Public Prosecutor for the State of Assam.

2. By this application, the petitioner has prayed for pre-arrest bail in connection with Lanka P.S. Case No. 179/2026, registered under Sections 61(2)/70(1)/89 of

the BNS, 2023.

3. The FIR in connection with which the petitioner is apprehending arrest was lodged by the father of the victim, stating *inter alia* that his married daughter who has two children stays alone in the house with her children since her husband works elsewhere. It is further stated that, his daughter is suffering from mental illness and that accused no. 1 arrayed as such in the FIR had established sexual relationship by threatening her and that thereafter, the said accused person had sent the petitioner as well as others to his daughter, who had also established sexual relationship with his daughter. He further submits that his daughter is presently seven months pregnant and that she had also been pregnant on an earlier occasion, which was subsequently terminated.

4. Learned counsel for the petitioner submits that, the story narrated in the FIR is a concocted story and that, the petitioner is agreeable to undergo a DNA test.

5. On the other hand Mr. M. P. Goswami, learned Addl. Public Prosecutor for the State of Assam, on perusal of the Case Diary, submits that, the victim in her statement before the Magistrate recorded under Section 183 had stated that the petitioner along with others had raped her.

6. Upon consideration of the submissions made by the learned counsels, more so in view of the fact that no complaint has been lodged by the victim over so many months in which she alleges forceful sexual relationship established by the petitioner and others, this Court enlarges the petitioner on pre-arrest bail on furnishing of a bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with one local surety of the like amount to the satisfaction of the Arresting Authority, under the following conditions:

(i) The petitioner shall appear before the Investigating Officer within 10 (ten) days from the date of this order.

(ii) The petitioner shall not hamper and tamper with the evidence of the case, and/or influence the witnesses; and

(iii) The petitioner shall not leave their residence without prior permission of the Investigating Officer.

7. The AB Application stands disposed of.

JUDGE

Comparing Assistant