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2026:GAU-AS:14854

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

Case No. : AB/2387/2026

MUSTAK UDDIN ALIAS MUSTAQUE JALAL
S/O- LATE ABDUL MANNAN, R/O VILLAGE UDALI BARJAHA GAON, P.S. LANKA, DISTRICT 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

HON'BLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

05.10.2026

Heard Mr A Ahmed, learned counsel for the petitioner. Also heard Mr R J Baruah, learned Additional Public Prosecutor for the State of Assam.

2. By this application, the petitioner has prayed for pre-arrest bail in connection with Lanka PS Case No. 179/2026, registered under Sections 61(2)/70(1)/89 of the BNS, 2023..

3. The First Information Report in connection with which the petitioner is apprehending arrest, was lodged on 08.08.2026, by the father of the victim, stating, *inter alia* that the

husband of his daughter used to stay in Mumbai for work purpose and that he has not come home for four years and that his daughter stays alone with two boy child in her house. He further stated that the petitioner by threatening his daughter, had established sexual relationship with her and made her pregnant and that he, thereafter, terminated her pregnancy. It was also alleged that apart from the petitioner, four other persons had also gone to the house of the victim and established sexual relation with her.

4. Mr Ahmed, the learned counsel for the petitioner submits that the story narrated in the FIR is a concocted story and it was filed only to implicate the petitioners into an offence.

5. On the other hand, Mr R J Baruah, the learned Additional Public Prosecutor for the State, on perusal of the Case Diary, submits that there are materials against the petitioner as well as the other accused persons. He has also placed the statement of the victim recorded by the Magistrate, where she has implicated all the accused persons, including the petitioner.

6. Upon consideration of the submissions made by the learned counsel, 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 petitioners on pre-arrest bail on furnishing bail bond of Rs. 20,000/-, with one local surety each 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 the 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. Bail Application stands disposed of.

8. Send back the Case Diary.

JUDGE

Comparing Assistant