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2026:GAU-AS:15210

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

Case No. : AB/2438/2026

MRS HASNA KHATUN
KAYAKUCHI PATHER, P.O NALIGAON, P.S BARPETA, DIST BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM.

Advocate for the Petitioner : MR M AHMED, MR. A R MONDAL,MR. S U AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

08.10.2026

1. Heard Mr. S.U. Ahmed, learned counsel appearing for the petitioner. Also heard Mr. D.P. Goswami, learned APP appearing for the State of Assam.

2. By this application the petitioner has prayed for pre-arrest bail in connection with Barpeta P.S. Case No. 263 of 2026 registered under Section 90(2) of the BNS, 2023.

3. The FIR in connection with which the petitioner is apprehending arrest was lodged by the Medical Officer stating *inter alia* that an illegal abortion procedure was carried out by the petitioner at her residence and that pursuant thereto the condition of the patient deteriorated ultimately resulting in her death.

4. The learned counsel appearing for the petitioner submits that the petitioner is a cleaner at the local Health Centre and that on the advice of the ASHA worker she administered certain medicines to the patient. Thereafter the patient was taken to the hospital where she underwent a surgical procedure and subsequently succumbed to her condition. He submits that the petitioner is in no way responsible for the death of the patient. He further submits that as per the cause of death recorded, the patient died due to septic shock and uterine perforation following MTP.

5. Mr. D.P. Goswami, learned APP however submits that on perusal of the case diary, it is seen that the patient died in the hospital after undergoing an operation. He further submits that the only allegation against the petitioner as reflected from the statements of the witnesses is that she had administered some medicine to the patient. He also submits that one of the witnesses has stated that she had never heard of the petitioner carrying out any abortion on any patient.

6. Upon consideration of the submissions made by the learned counsel for the parties, more so in view of the fact that the patient died in the hospital after undergoing an operation for MTP, this Court is of the view that the petitioner is entitled to the benefit of pre-arrest bail. Accordingly, the petitioner is enlarged on pre-arrest bail on furnishing 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 subject to the following conditions:

(i) The petitioner shall positively appear before the Investigating Officer within a period of 15 days from today and cooperate with the investigation without any failure,

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

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

7. Accordingly, this Anticipatory Bail application is disposed of.

JUDGE

Comparing Assistant