GAHC010219892026

2026:GAU-AS:16132

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

**Case No. : AB/2513/2026**

SAMINUL HOQUE
SON OF AMINUL HOQUE, RESIDENT OF VILLAGE - GUWABARI, P.S. FAKIRAGRAM IN THE DISTRICT OF KOKRAJHAR, ASSAM.

VERSUS

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

2:NILIFA BEGUM
W/O NURISLAM SK.
RESIDENT OF VILL- GUWABARI
P.S. FAKIRAGRAM
IN THE DISTRICT OF KOKRAJHAR
ASSAM

**Advocate for the Petitioner** : MR. M A MONDAL, MR. N J DUTTA,MS. SUMAN CHAUHAN,MR. MOZAHER HUSSAIN

**Advocate for the Respondent** : PP, ASSAM, MR. M HOQUE(R2)

**BEFORE**
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**03.11.2026**

Heard Mr. N. J. Dutta, learned counsel for the applicant and Mr. R. J. Barua,

learned Additional Public Prosecutor for the State respondent No. 1. Also heard Mr. M. Hoque, learned counsel for the respondent No. 2.

**2.** This application, under Section 482 of the BNSS, 2023, is preferred by the applicant, namely, **Saminul Hoque**, who has been apprehending his arrest in connection with Fakiragram P.S. Case No. 38/2026, registered under Sections 318(4)/64(1) 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 Rofika Begum (actual name withheld), on 17.09.2026.

**4.** The essence of allegation, against the applicant in the FIR, dated 17.09.2026, is that the minor daughter of the informant was in love affair with the applicant herein, who with an assurance to marry her, established physical relation with her. And on 13.09.2026, at about 5 PM, the minor daughter of the informant had attempted to commit suicide by consuming poison, as the family members of the applicant had fixed his marriage with another girl and the applicant also stopped communicating with her.

**5.** Mr. Dutta, learned counsel for the applicant submits that indisputedly, there was an affair between the victim and the applicant and because of misunderstanding between them, the victim consumed poison, but she survived. He also submits that there was a discussion between the parties to settle the matter amicably, and the informant has also filed an affidavit to this effect, that she has no objection in the event of granting pre-arrest bail to the applicant,

since the matter has amicably been settled between them and on attaining majority, the family members will solemnize the marriage of the victim girl with the applicant herein, who is serving in Central Reserve Police and under such circumstances, he has contended to allow this application.

**6.** Per contra, Mr. Barua, learned APP for the respondent No. 1, has produced the case diary before this Court and submits that in her statement under Section 183 of the BNSS, 2023, the victim has clearly implicated the applicant with the offences alleged and the offences are serious in nature and therefore, he has contended to dismiss this application.

**7.** On the other hand, Mr. Hoque, learned counsel for the respondent No. 2, submits that the informant has no objection, as the matter has been settled between the parties amicably, and the incident happened out of misunderstanding between the victim and the applicant.

**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 perused the case diary with the assistance of the learned Additional Public Prosecutor.

**9.** It appears from the case diary that the victim has clearly implicated the applicant with the offences alleged in the FIR. However, from the affidavit filed by the informant, it can be held that the matter has been settled between the parties amicably.

**10.** It is also the submission of Mr. Dutta, learned counsel for the applicant that

on attaining the age of majority, the applicant will marry her.

**11.** In view of the aforementioned facts and circumstances, and although, the offences are not compoundable and filing of the case is based upon misunderstanding between the victim and the applicant, this Court is inclined to allow this application.

**12.** Accordingly, it is provided that in the event of arrest of the applicant in connection with Fakiragram P.S. Case No. 38/2026, registered under Sections 318(4)/64(1) of the BNS, 2023, read with Section 6 of the POCSO Act, 2012; he shall be released on pre-arrest bail, on his executing a bond of Rs. 20,000/- with one surety of like amount, to the satisfaction of the arresting authority.

**13.** The above privilege is however, subject to the following conditions –

(i) that the applicant shall make himself available for interrogation by the Investigating Officer as and when required;

(ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

(iii) That the applicant shall not leave the jurisdiction of the learned **Special Judge (POCSO), Kokrajhar**, without prior permission.

**14.** The case diary be returned.

# JUDGE

**Comparing Assistant**