GAHC010221832026

2026:GAU-AS:14947

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

Case No. : AB/2489/2026

ASMINA BEGUM ALIAS DIPSIKHA AKHTAR AND 4 ORS.
W/O MASER ALI, R/O VILL SONIADI, SAKALAPAR, PS HAJO, DIST KAMRUP, ASSAM

2: MUSTAFA ALI
S/O MIYACHAND ALI
R/O VILL SONIADI SAKALAPAR
PS HAJO
DIST KAMRUP ASSAM

3: OHEDA BEGUM ALIAS WAHIDA PARBIN
W/O MUSTAFA ALI
R/O VILL SONIADI SAKALAPAR
PS HAJO
DIST KAMRUP ASSAM

4: NASER ALI
S/O MIYACHAND ALI
R/O VILL SONIADI SAKALAPAR
PS HAJO
DIST KAMRUP ASSAM

5: RAJEDA BEGUM
W/O NASER ALI
R/O VILL SONIADI SAKALAPAR
PS HAJO
DIST KAMRUP ASSA

VERSUS

THE STATE OF ASSAM

REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P, MD IMRAN,MR. S RAHMAN,MS F HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

06.10.2026

1. Heard Mr. S.M. Abdullah P., learned counsel appearing for the petitioners. Also heard Mr. D.P. Goswami, learned APP appearing for the State of Assam.

2. By this application the petitioners have prayed for pre-arrest bail in connection with Hajo P.S. Case No. 371 of 2026 registered under Sections 117(2)/90(2)/91/3(5) of the BNS, 2023.

3. The FIR in connection with which the petitioners are apprehending arrest was lodged by the victim herself stating *inter alia* that after the death of her earlier husband she married one Miyachand Ali. During the course of their conjugal life she became pregnant. It was alleged that the petitioners without any justification subjected her to physical and mental torture and that on one occasion accused No. 1 with the assistance of the other accused persons kicked her in the abdomen. Upon medical examination, it was found that the fetus in her womb had died.

4. The learned counsel appearing for the petitioners submits that the allegations narrated in the FIR are concocted. It is further submitted that upon

realizing her mistake the victim entered into a compromise with the petitioners wherein it was stated that the case had been lodged due to a misunderstanding. Learned counsel further submits that the parties being family members are presently residing together.

5. On the other hand, Mr. G. P. Goswami, learned APP submits that the allegations made in the FIR are serious in nature and therefore prays for calling for the case diary to ascertain the complicity of the petitioners.

6. Upon consideration of the submissions made by the learned counsel for the parties, more so in view of the fact that a deed of settlement has been entered into between the petitioners and the victim which is duly notarized and the non-judicial stamp paper on which the said deed was executed appears to have been purchased by the informant, this Court is inclined to grant the privilege of pre-arrest bail to the petitioners. Accordingly, in the event of their arrest the petitioners shall be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with one local surety each of the like amount to the satisfaction of the Arresting Authority subject to the following conditions:

(i) The petitioners shall positively appear before the Investigating Officer within a period of 10 days from today and corporate with the investigation without any failure,

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

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

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

JUDGE

Comparing Assistant