

GAHC010225602025



2026:GAU-AS:2551

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

Case No. : AB/2454/2025

IMARAJUL
S/O LATE GIAS UDDIN,
R/O DAKHIN TENGAGURI, P.S. LAHARIGHAT,
DIST-MORIGAON, ASSAM.

VERSUS

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

2:SALMA KHATUN
D/O IMRAJUL
R/O-DAKHIN TENGAGURI
P.S-LAHARIGHAT
DIST-MORIGAON
ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR. N HOQUE

Advocate for the Respondent : PP, ASSAM, MR D K BHATTACHARYYA, Amicus curiae,(R-2)

**BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA**

ORDER

Date : 19.02.2026

- 1.** Heard Mr. S. Munir, learned counsel for the accused applicant. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State of Assam as well as Mr. D. K. Bhattacharyya, learned *Amicus Curiae*, for the respondent No. 2, informant.
- 2.** This is an application under Section-482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for granting pre-arrest bail to the petitioner in connection with Laharighat P.S. Case No. 184/2025, under Section-75(2) BNS, read with Section 10/12 of POCSO Act.
- 3.** An FIR was lodged on 13.08.2025 by the victim alleging that after the divorce of her mother on 19.06.2025, her father brought in another woman to their house. However, on 13.07.2025, when the aforesaid woman was not present, at about 12 AM at night, her father tried to seduce and forcibly rape her. On raising hue and cry, her other sisters came in and rescued her.
- 4.** The complaint was lodged before the Superintendent of Police, Morigaon, which was forwarded to Laharighat Police Station. Accordingly, on the

basis of the said complaint, the police registered Laharighat P.S. Case No. 184/2025.

5. Mr. S. Munir, learned counsel for the accused applicant, submits that the FIR has been falsely lodged by the victim girl due to a dispute between her mother's family and the father regarding some monetary disputes, as her mother had already been divorced by her father. He contends that no such incident as alleged occurred and that the FIR was lodged at the instigation of the informant's mother. Therefore, he submits that the accused applicant should be granted pre-arrest bail at this stage, so that he can cooperate with the investigation.

6. The learned Additional Public Prosecutor for the State submits that there are serious allegations against the accused applicant, who has tried to commit rape upon the victim, who is his own daughter. Therefore, he submits that at this stage, the prayer of the accused applicant should not be allowed.

7. Mr. D. K. Bhattacharyya, learned *Amicus Curiae*, has also supported the submissions made by the learned APP.

8. Taking into account the materials available before this Court, including the trial court record, as well as the submissions made by the counsel appearing for the respective parties, this Court is of the considered view that at this point

of time, the accused applicant does not merit any relief from this Court.

9. Accordingly, the instant AB application stands dismissed.

JUDGE

Comparing Assistant