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

Case No. : Bail Appln./3218/2026

ROFIKUL ISLAM
S/O- MALEKUDDIN, R/O- MADAN BAZAR, P.S.- JOGIGHOPA, DIST BONGAIGAON, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P. ASSAM.

Advocate for the Petitioner : MR S M ABDULLAH P, MR. J JAKARIA,MR. MD IMDAD,MD IMRAN,MD R ISLAM,MS F HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 08.10.2026

Heard Mr. S. M. Abdullah, the learned counsel for the petitioner and Mr. R. J. Baruah, the learned Addl. Public Prosecutor for the State of Assam.

2. By this application, the petitioner has prayed for bail in connection with Bongaigaon Police Station Case No. 208/2026, registered under Sections

143(3)/143(5) of the BNS, 2023.

3. The FIR in connection with which the petitioner was arrested on 10.09.2026, was lodged by the husband of the victim, stating *inter alia* that on 07.09.2026, he saw off his wife and his children who had stated that, they will go to his father-in-law's house but when he called up his father-in-law at night, he was apprised that they had not gone to his house. The informant further stated that on search being made, he came to know that, the petitioner had kidnapped his wife and his children and was taking them to another state and that they were caught by the police at the NJP, Railway Police Station.

4. The learned counsel for the petitioner submits that, there was a love relationship between the petitioner and the wife of the informant, which has been stated also in the forwarding report. He submits that the instant case cannot be a case for kidnapping.

5. Mr. R. J. Baruah, the learned APP for the State, on the other hand submits that, the kidnapping charges are writ large in the FIR and that, the petitioner along with the wife of the informant and children were caught by the police as stated in the FIR outside the state of Assam.

6. On the consideration of the submissions made by the learned counsels, more so in view of the fact that, there was a love relationship between the petitioner and the wife of the informant, this court enlarges the petitioner on bail on furnishing of a bail bond of Rs. 20, 000/- (Rupees Twenty Thousand) with one local surety of the like amount to the satisfaction of the CJM, Bongaigaon under the following conditions:

(i) The petitioner shall positively appear before the Investigating Officer as and when call for.

(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 their residence without prior permission of the Investigating Officer.

7. The Bail Application stands disposed of.

JUDGE

Comparing Assistant