GAHC010227022026

2026:GAU-AS:16481

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

Case No. : AB/2581/2026

SURAJ SAIKIA
SON OF LATE BIPUL SAIKIA, RESIDENT OF GHARMORA GAON, P O DHENUKHANA, P S GHILAMARA, DISTRICT LAKHIMPUR, ASSAM.

VERSUS

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

Advocate for the Petitioner : MR A KHANIKAR, R L CHUTIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

10.11.2026

1. Heard Mr. A. Khanikar, learned counsel appearing for the petitioner and Mr. B. Sharma, learned APP appearing for the State of Assam.

2. By this application the petitioner has prayed for pre-arrest bail in connection with Ghilamara P.S. Case No. 54 of 2026 registered under Section 108/115(2) of the BNS, 2023.

3. The FIR in connection with which the petitioner is apprehending arrest was lodged by the father of the victim stating *inter alia* that the petitioner had been maintaining a love affair with his daughter and had been harassing her for the last one and a half years on the pretext of being in love with her. It was further alleged that the petitioner had physically assaulted his daughter within the college campus following which the petitioner had given an oral undertaking not to repeat such conduct. However, the informant alleged that on 31.08.2026, the petitioner again assaulted his daughter causing injuries to her eye and forehead. It was also alleged that the petitioner was addicted to intoxicants. The informant further stated that being unable to bear the continuous harassment, his daughter attempted to commit suicide by consuming pesticides and was undergoing treatment.

4. The learned counsel appearing for the petitioner submits that the petitioner and the victim were in a consensual love relationship and that the FIR was lodged several days after the victim had consumed pesticides. He therefore submits that the ingredients of Sections 108 and 115(2) of the BNS are not attracted in the facts and circumstances of the case.

5. On the other hand, Mr. B. Sharma, learned APP upon perusal of the Case Diary has drawn the attention of this Court to the statement of the uncle of the victim who had remained with her throughout the period of her treatment. The said witness stated that while the victim was undergoing treatment in the hospital, she would often wake up from her sleep in a state of fear. Upon being asked about the reason for her fear the victim disclosed that the petitioner had subjected her to physical and mental harassment. The witness further stated that when he asked the victim why she had not disclosed the said facts to her

parents, she informed him that the petitioner had threatened to kill her as well as her brother if she divulged the facts to anyone. The learned APP further submits that the victim ultimately succumbed to her injuries on 29.09.2026 after undergoing treatment for nine days.

6. Upon consideration of the submissions made by the learned counsel for the parties, more so in view of the statement made by the victim before her uncle prior to her death wherein she disclosed that she had been continuously harassed and physically assaulted by the petitioner and that the petitioner had also threatened her with dire consequences, including the killing of her and her brother if she disclosed the incidents to anyone, this Court does not deem it fit to enlarge the petitioner on pre-arrest bail at this stage.

7. Accordingly, the instant bail application stands dismissed.

JUDGE

Comparing Assistant