GAHC010229002026

2026:GAU-AS:15490

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

Case No. : AB/2621/2026

MD MARJAT ALI
S/O LT SURUJ ALI, R/O VILL THEKERAJULI, PS MISSAMARI, DIST SONITPUR, ASSAM

VERSUS

STATE OF ASSAM
TO BE REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, MD A RAHMAN,K M KALITA,MR A W AMAN,SAMIM RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

13.10.2026

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

2. By this application the petitioner has prayed for pre-arrest bail in connection with Missamari P.S. Case No. 78 of 2026 registered under Sections 75(2)/78(2) of the BNS, 2023.

3. The FIR in connection with which the petitioner is apprehending arrest was lodged by the victim herself on 19.08.2026 stating *inter alia* that whenever her husband was away from home, the petitioner would visit her house and lure her by offering money in exchange for sexual favours. She further stated that despite having asked the petitioner to stop visiting her house he continued to do so.

4. The learned counsel appearing for the petitioner submits that the allegations made in the FIR are concocted and that the actual facts are that the petitioner and the victim shared a friendly relationship.

5. Mr. D.P. Goswami, learned APP appearing for the State of Assam on the other hand submits that the allegations made in the FIR disclose the commission of an offence and accordingly prays for an opportunity to peruse the case diary.

6. Upon consideration of the submissions made by the learned counsel for the parties, more so in view of the fact that the FIR itself states that the petitioner allegedly used to lure the victim by offering money, and having regard to the submission that the petitioner and the victim shared a friendly relationship, this Court is inclined to grant the petitioner the privilege of pre-arrest bail. Accordingly, the petitioner shall be released on bail on furnishing a bail bond of Rs. 20,000/- (Rupees twenty thousand) with one local surety of a like amount to the satisfaction of the Arresting Authority subject to the following conditions:

(i) The petitioner shall positively appear before the Investigating Officer within a period of 15 days from today and cooperate with the investigation without any failure,

(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 his residence without prior permission of the Investigating Officer.

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

JUDGE

Comparing Assistant