GAHC010230412026

2026:GAU-AS:16659

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

Case No. : AB/2653/2026

SRI ABDUL GAFUR
S/O LATE ABDUL RAHMAN, PERMANENT R/O KALONI JALAH, UNDER JURIA POLICE STATION, DIST NAGAON, ASSAM

VERSUS

STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:SMTI ANUWARA KHATUN
W/O SRI ISMAIL HUSSAIN
PERMANENT R/O KALONI JALAH UNDER JURIA POLICE STATION
DIST NAGAON
ASSA

Advocate for the Petitioner : MR S J CHOUDHURY, S K SARFRAJ KARIM,P D CHOUDHURY,MS PURABI DEKA

Advocate for the Respondent : PP, ASSAM, MR D K BHATTACHARYYA

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

11.11.2026

Heard Mr. S.J. Choudhury, learned counsel for the applicant; Ms. S.H. Borah, learned Additional Public Prosecutor for the State, respondent No. 1; and Mr. D.K. Bhattacharya, learned Amicus Curiae for the respondent No. 2.

2. This application, under Section 482 of the BNSS, is preferred by the applicant, namely, Sri Abdul Gafur, who has been apprehending arrest in connection with Juria PS Case No. 182/2026, under Sections 127(2)/137(2)/351(2) of the BNS, read with Section 6 of the POCSO Act, for grant of pre-arrest bail.

3. It is to be noted here that above noted case has been registered on the basis of one FIR lodged by one Anuwara Khatun, on 30.07.2026.

3.1. The essence of allegation in the FIR, dated 30.07.2026, is that four years back, one Abdul Gafur lured the informant's minor son to get married with his daughter and subjected him to sexual assault.

4. Mr. Choudhury, learned counsel for the applicant, submits that the applicant is innocent and no way involved with the offence alleged in the FIR and that he has falsely been implicated and the reason for such false implication is stated in the paragraph No. 7 of the application. Mr. Choudhury further submits that the proposal for marriage of his daughter with the informant's son was refused by him as his daughter is minor, aged about 16 years. Mr. Choudhury also submits that the applicant is ready to cooperate with the investigating agency and will appear before the IO as and when directed and therefore, it is contended to allow this application.

5. Per-contra, Ms. Borah, learned Additional Public Prosecutor, has vehemently opposed the application. She submits that the IO has collected sufficient incriminating materials against the applicant and at the relevant point of time, when the FIR was filed, the victim (informant's son) was 17 years old and his date of birth is 11.08.2008, as per his birth certificate. Ms. Borah further submits that the investigation is still going on and if the privilege of pre-arrest

bail is granted to the applicant, at this stage, it will cause serious prejudice to the investigating agency and therefore, it is contended to dismiss this application.

6. Mr. Bhattacharya, learned Amicus Curiae for the respondent No. 2, also vehemently opposed the application. He submits that at the relevant point of time, the victim boy was minor and he was subjected to sexual assault and as such, this is not a fit case where the privilege of pre-arrest bail can be granted to the applicant and accordingly, he has contended to dismiss this application.

7. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the application as well as the documents placed on record and also perused the case diary with the assistance of learned Additional Public Prosecutor.

8. The case diary, especially the statement of the victim boy, recorded under Section 183 of the BNSS, clearly implicated the applicant with the offence alleged in the FIR.

9. The allegation is serious in nature and investigation is still going on and as such, this Court is of the view that extending the pre-arrest bail to the applicant, at this stage, will hamper the investigation and therefore, this application stands dismissed.

10. Case diary be returned.

JUDGE

Comparing Assistant