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

Case No. : AB/2740/2026

SOLIMUDDIN ALIAS SOLIM UDDIN SHEIKH
S/O- FOTIK SK, RESIDENT OF VILL- DARIARPAR MAIJULI, P.S. FAKIRGANJ, DIST - DHUBRI, ASSAM.

VERSUS

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

Advocate for the Petitioner : MR H R A CHOUDHURY, M. HOSSAIN,MR. SAYED SALIM AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 02.11.2026

Heard Mr. HRA Choudhury, learned Senior Counsel assisted by Mr. M. Hossain, learned Counsel for the petitioner and Mr. DP Goswami, learned Additional Public Prosecutor for the State.

2. By this application, the petitioner has prayed for pre arrest bail in

connection with Fakirganj P.S. Case No. 89/2026 registered under Section 64(1) of BNS, 2023. The FIR in connection with which the petitioner apprehends arrest was lodged by the victim herself stating inter alia that when she went to the house of the petitioner for purpose of correcting her name in the electoral photo identity card, the petitioner is alleged to have called her to his room and dragged her to his bed and committed rape upon her. She also stated that she raised hue and cry and her father in law, who is the brother of the petitioner and other family members reached the house and rescued her.

3. The learned Senior Counsel for the petitioner submits that the petitioner was on the earlier occasion enlarged on interim pre arrest bail and in compliance of the order he had appeared on 29.08.2026 before the Investigating Officer and his statement was recorded but then his bail was cancelled later by this Court on perusal of the Case Diary. The learned Counsel also submits that the petitioner is the own brother of the father in law of the victim and that there are land dispute between the family members and that the petitioner was implicated in the case for the same.

4. On the other hand, Mr. DP Goswami, learned Additional Public Prosecutor for the State however submits that the previous bail rejection order shows that the Case Diary revealed that the brother of the petitioner had seen the incident and as such submits that the Case Diary be seen before passing any order in this petition.

5. Upon consideration of the submissions made by the learned Counsel for the parties, more so, in view of the fact that the petitioner in pursuant to the interim order had appeared before the Investigating Officer for recording his statement and also due to the fact that the victim should have gone to the office for correction in her electoral photo identity card, this Court deems it fit to

enlarge the petitioner on pre arrest bail on furnishing of bail bond of Rs. 20,000/- with one local surety of the like amount to the satisfaction of Arresting Authority under the following conditions:

i) the petitioner will appear before the Investigating Officer within 15 days from the date of the order and will appear before the Investigating Officer as and when called for.

ii) the petitioner will not hamper, tamper with the evidence, neither influence the witnesses connected with the case.

iii) the petitioner will not leave the place of jurisdiction without the permission of the Arresting Authority.

6. Petition is disposed of.

JUDGE

Comparing Assistant