GAHC010238582026

2026:GAU-AS:16482

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

Case No. : AB/2729/2026

SRI RANGSINA BEY
S/O SRI BABU SING BEY, R/O NATIONAL HIGHWAY 36 VILL. SARTHE BEY GAON, P.O. BAKALIA, P.S. BAKALIA , DIST. KARBI ANGLONG, ASSAM, PIN 782482

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR ASSAM

Advocate for the Petitioner : A G CHOUDHURY, MR. R RONGHANG

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

10.11.2026

1. Heard Ms. A.G. Choudhury, learned counsel appearing for the petitioners. Also heard Mr. D.P. Goswami, learned APP appearing for the State of Assam.

2. By this application the petitioners have prayed for pre-arrest bail in connection with Diphu P.S. Case No. 100 of 2026 registered under Section

69/318(2) of the BNS, 2023.

3. The FIR in connection with which the petitioner is apprehending arrest was lodged by the victim herself stating *inter alia* that she had met the petitioner online following which they developed a relationship. She stated that on 16.04.2025, the petitioner took her to Diphu Market in his vehicle and subsequently took her to a rented house where he allegedly forced her to enter into a sexual relationship with him. She further stated that the petitioner had promised to marry her and that on the basis of the said promise she had entered into a physical relationship with him. Subsequently, she became pregnant as a result of the said relationship. However, when she tried to contact the petitioner over the phone, he did not respond to her calls. She later came to learn that the petitioner was already a married person.

4. The learned counsel appearing for the petitioner submits that there was no promise of marriage on the part of the petitioner and that both the petitioner and the victim were adults with the victim being fully aware of the nature and consequences of the act. The learned counsel therefore submits that the ingredients of Section 69 of the BNS are not attracted in the facts and circumstances of the case.

5. However, Mr. D.P. Goswami, learned APP upon perusal of the Case Diary submits that the victim in her statement recorded before the learned Magistrate had stated that she was forced into a sexual relationship by the petitioner at the rented premises. He further submits that the parents of the petitioner had subsequently approached the victim and assured her that she would be married to the petitioner.

6. Upon consideration of the submissions made by the learned counsel for the parties, more so in view of the fact that the initial promise to marry as required to attract the provisions of Section 69 of the BNS, 2023 appears to be absent in the facts and circumstances of the present case, this Court deems it fit to enlarge the petitioner on pre-arrest 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