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2026:GAU-AS:16651

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

Case No. : AB/2798/2026

RAFIK ALI
S/O- GULAM RAHMAN RESIDENT OF VILLAGE KEHUTALI P.S.- DHULA, DISTRICT- DARRANG, ASSAM, PIN-784190.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : G UDDIN, MR N JAMAL,MR A K KHAN,MR. J UDDIN,P ADHIKARI,MR A K AZAD

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

11.11.2026

Heard Mr. M. Dutta, learned senior counsel, assisted by Mr. A.K. Azad, learned counsel for the applicant and Ms. S.H. Borah, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 482 of the BNSS, is preferred by the applicant, namely, Rafik Ali, who has been apprehending arrest in connection with Dhula PS Case No. 142/2026, under Sections 143(2)/144(2) of the BNS, read with Sections 3/4/5/7 of the Immoral Traffics (Prevention) 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 SI Abhijit Deka of Kharupetia PS, on 16.10.2026.

3.1. The essence of allegation in the FIR, dated 16.10.2026, is that acting on a tip-off, regarding illegal prostitution racket operating from OYO Nexo Home Stay, located at Kharupetia, a raid was conducted in the said establishment and during the raid, certain male and female were found staying in the said hotel without making any entry in the register and accordingly, they were brought to the police station for further verification and examination. During inquiry, it has been disclosed by one Marshida Begum, who was identified as a victim of the alleged exploitation, that she had been induced and arranged for sexual purposes by Banes Ali and Surant Bhanu (wife of Banes Ali), who herself allegedly involved in the said prostitution activity and the owner of the said Home Stay is one Rafik Ali, who facilitated the said illegal activity at the hotel.

4. Mr. Dutta, learned counsel for the applicant, submits that the applicant is the owner of the Home Stay and even if the allegation made in the FIR is accepted as correct, then at best, only offence under Section 3 of the Immoral Traffic (Prevention) Act is made out against him and the said offence is bailable one and that the manager of the hotel has already been arrested. Mr. Dutta further submits that the present applicant is innocent and he is ready to cooperate with the investigating agency and therefore, it is contented to allow the application.

5. Per-contra, Ms. Borah, learned Additional Public Prosecutor, has vehemently opposed the petition. She submits that the IO has collected sufficient incriminating materials against the applicant and with his knowledge

and connivance the illegal activities were carried out in the said Home Stay and as such, this is not a fit case where the privilege of pre-arrest bail can be granted to him and therefore she has contented to dismiss the application.

6. 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.

7. The case diary indicates that the IO has collected sufficient incriminating materials against the applicant and investigation is still going on.

8. In view of the nature of accusation and the stage of investigation, this Court is of the view that custodial interrogation of the applicant is indispensible in the interest of investigation and as such, this is not a fit case where the privilege of pre-arrest bail can be extended to him and therefore, the same stands dismissed.

9. Case diary be returned.

JUDGE

Comparing Assistant