GAHC010248042026

2026:GAU-AS:16538

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

Case No. : AB/2863/2026

MINHAJ ALI AND ANR
S/O NURUL ISLAM, R/O NAGARJHAR, P.O.- HOWLY, PIN CODE- 781316, P.S.- HOWLY, DIST- BARPETA, ASSAM

2: NURUL ISLAM
S/O- LATE SOWAN ALI
R/O NAGARJHAR
P.O.- HOWLY
PIN CODE- 781316
P.S.- HOWLY
DIST- BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A R BHUYAN, MR A HUSSAIN,MR. A AWAL,MR F HAQUE

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 11.11.2026

Heard Mr. A. R. Bhuyan, learned senior counsel assisted by Mr. F. Haque,

learned counsel for the petitioners and Ms. S. Begum, learned Addl. Public Prosecutor for the State of Assam.

2. By this application the petitioners have prayed for pre-arrest bail in connection with Howly P.S. Case No. 192/2026, registered under Sections 69/351/352 as well as 318 of the BNS, 2023.

3. The FIR, in connection with which the petitioners are apprehending arrest, was lodged by the victim herself, wherein she stated, inter alia, that she had been in a love relationship with petitioner No. 1, for a long time and physical relationship was established between them. She also stated that, marriage was fixed between them and the petitioner no. 1, had also applied for marriage registration along with appropriate documents. However, she submits that, petitioner no. 1, after establishing physical relationship with her under the direction of the petitioner no. 2, had married another girl without her knowledge.

4. The learned counsel for the petitioner submits that, ingredients of Section 69 of BNS is not meted out in the instant case as there was no initial deception neither the offence of cheating.

5. On the other hand Ms. A. Begum, the learned Addl. Public Prosecutor for the State of Assam, submits that allegations are writ large in the said FIR that, the petitioner had by giving false promise forced the victim into physical relationship and as such, has prayed for calling of the Case Diary.

6. Upon consideration of the submissions made by the learned counsels, more so in view of the fact that, there is no averment in the FIR that the petitioner from the very first instance had given false promise of marriage, this Court enlarges the petitioners on bail on furnishing of a bail bond of Rs. 20,000/- (Rupees Twenty

Thousand) each with one local surety each to the satisfaction of the Arresting Authority under the following conditions:

(i) The petitioners shall positively appear before the Investigating Officer within 15 days without fail as and when call for.

(ii) The petitioners shall not hamper and tamper with the evidence of the case, and/or influence the witness connected with the case; and

(iii) The petitioners shall not leave their residence without prior permission of the Investigating Officer.

7. The AB application stands disposed of.

JUDGE

Comparing Assistant