GAHC010196202026

2026:GAU-AS:15740

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

Case No. : AB/2223/2026

ATOWAR ROHMAN
S/O-ABDUL HAMID, VILL-BATNAPAITY CHAR, P.S.-ALOPOTI CHAR, DIST-BARPETA, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE P.P. ASSAM.

2:RINA PARBIN (INFORMANT)
D/O-YAJUDDIN
W/O-ATOWAR RAHMAN VILL-BAHATI N.C.
P.O.-BAHATI N.C
P. S. GOALPARA RIVER P.S
DISTRICT - GOALPARA
ASSAM

Advocate for the Petitioner : MR. M HOQUE, MD A ALI

Advocate for the Respondent : PP, ASSAM, MS. A KAUSHAR(R2),MR S ISLAM(R2),MR. A U CHOUDHURY(R2)

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 14-10-2026

Heard Mr. M. Hoque, learned counsel for the applicant; Mr. P.S. Lahkar, learned Additional Public Prosecutor for the State, respondent No. 1; and Mr. S.

Islam, learned counsel for the respondent No. 2.

2. Apprehending arrest in connection with the **Goalpara River PS Case No. 06/2026**, under Sections 85/74/75/77/351 of the BNS, read with Section 8 of the POCSO Act, this application under Section 482 of the BNSS, is preferred by applicant, namely, **Atowar Rohman**, for grant of pre-arrest bail.

3. It is to be noted here that the said case has been registered on the basis of one FIR lodged by one Riba Khatun (actual name withheld), on 08.07.2026.

3.1. The essence of allegation in the FIR, dated 08.07.2026, is that Atowar Rohman, with whom the informant got married, subjected her to both physical and mental cruelty, demanding dowry and once, she paid a sum of Rs. 60,000/- and once Rs. 70,000/-, bring the same from her parental house. Thereafter, he continued to demand money from her and on 02.07.2026, he sexually assaulted her niece, namely, Smti 'X' (name withheld), aged 13 years.

4. Mr. Hoque, learned counsel for the applicant, submits that after completion of investigation, the IO had submitted charge-sheet, being Charge-Sheet No. 08/2026, dated 18.09.2026, showing the applicant as absconder. Mr. Hoque further submits that the applicant is ready to face trial and will appear before the learned trial court on each and every date. Under such circumstances, Mr. Hoque has contended to allow this application.

5. Per-contra, Mr. Lahkar, learned Additional Public Prosecutor, submits that the victim girl, in her statement, recorded under Section 183 of the BNSS, has clearly implicated the applicant with the offence alleged in the FIR and that he is a relative of the victim girl and if the applicant is granted the privilege of pre-arrest bail, tampering with the witnesses cannot be ruled out and therefore, Mr.

Lahkar has contended to dismiss this application.

6. Having heard the submissions of learned Advocates of both sides, this Court has carefully gone through the petition as well as the documents placed on record and also gone through the scanned copy of the record received from the learned trial court.

7. It appears that after completion of investigation, the IO had submitted charge-sheet, being Charge-Sheet No. 08/2026, dated 18.09.2026. On such count, this Court is inclined to dispose of this application by directing the applicant to appear before the learned trial court on 02.11.2026 and to apply for regular bail and in the event of filing such an application, the learned trial court shall consider the same in accordance with law.

8. It is further provided that in the event of arrest of the applicant, in connection with **Goalpara River PS Case No. 06/2026**, under Sections 85/74/75/77/351 of the BNS, read with Section 8 of the POCSO Act, he shall be enlarged on pre-arrest bail, on his executing a bond of Rs. 20,000/- only, with one surety of like amount to the satisfaction of the arresting authority, till 02.11.2026.

9. The above privilege is, however, subject to the condition that the applicant shall appear before the learned trial court on 02.11.2026.

10. In terms of this AB stands disposed of.

JUDGE

Comparing Assistant