GAHC010202202026

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

Case No. : AB/2248/2026

ANUWAR HOQUE ALIAS ANUWAR HUSSAIN
S/O LATE HUSSAIN ALI, R/O VILL - DAKHIN JARIBOR, P.S. - BHURAGAON, DIST - MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

2:WAHIDA BEGUM

W/O ANNAS ALI ALIAS ANNACH ALI R/O VILL - BALIPARA JANGLE KESUWA JAN P.S. - BHURAGAON DIST. - MORIGAON ASSA

Advocate for the Petitioner : S K PODDAR, R MANDAL,MR. R GHOSH

Advocate for the Respondent : PP, ASSAM, MR. S K SAHARIAH(R2)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 15.10.2026

Heard Mr. S.K. Poddar, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor appearing for the State.

This is an application filed under Section 482 of the BNSS, 2023 praying for granting pre-arrest bail to the accused applicant namely, Anuwar Hoque @ Anuwar Hussain, in connection with POCSO Case No.79/2026 (arising out of Bhuragaon P.S. Case No.01/2026) U/S 64/353(3)/331(2) of BNS r/w Sec. 6 of POCSO Act, 2012.

A complaint was lodged on 02.01.2026 by one Wahida Begum before the SDJM, Morigaon alleging that when the informant's husband was detained in Morigaon jail, taking advantage of the fact that her husband was in jail and her other family members were not present, the accused applicant trespassed into the informant's house on 10.11.2025 at about 12 midnight and sexually assaulted the informant's minor daughter.

It was also alleged that the victim and the family members were threatened of dire consequences if the act of the accused applicant was disclosed to anyone. While hearing the hue and cry of the minor daughter, the neighbours came, but the accused applicant managed to flee from the place of occurrence.

On the next date, a complaint was given to the villagers but except assurance, no meeting was convened and therefore, the instant complaint has been filed.

On receipt of the complaint, the same was forwarded to police and accordingly, an FIR was registered on 02.01.2026.

On receipt of the FIR, police registered Bhuragaon P.S. Case No.01/2026 under the aforementioned Sections.

On completion of the investigation, Police filed charge-sheet and the matter is pending for appearance.

The learned counsel appearing for the accused applicant submits that the FIR has been falsely filed by the informant against the accused applicant due to the fact that the accused applicant was instrumental in police recovering certain narcotic substance from the house of the informant.

He submits that an FIR was lodged on 11.09.2025, regarding such recovery and thereafter, the police arrested the husband of the informant.

He submits that due to the fact of filing of the FIR and detention of the husband of the informant by Police, wherein the accused applicant was instrumental in showing the house of the informant, the informant lodged the FIR against the accused applicant with false allegations.

He submits that a bailable warrant has been issued against the accused applicant, however, the accused applicant is willing to appear before the trial Court on the next date fixed i.e. on 20.11.2026.

TCR has been received and the same is perused.

The learned Additional Public Prosecutor on the other hand opposes the prayer for pre-arrest bail of the accused applicant.

Mr. S.K. Saharia, learned counsel for the informant, by producing an affidavit sworn before the notary at Morigaon stating that the informant does not have any objection if the accused applicant is granted pre-arrest bail, submits that the informant does not have any objection in granting bail to the accused applicant.

The affidavit is kept on record and marked as document “X”.

Taking into account the entire facts and circumstances of the case and also on perusal of the materials available in the TCR, this Court is of the considered

opinion that the accused applicant should be granted pre-arrest bail.

Accordingly, it is directed that in the event of arrest of the accused applicant named above, he shall be released on pre-arrest bail on furnishing bail bond of Rs.50,000/- with a surety of like nature to the satisfaction of the Special Judge, Morigaon in connection with the aforementioned case subject to the following conditions:-

(i) the accused applicants shall appear before the learned Special Judge, Morigaon on the next date fixed, i.e. on 20.11.2026;

(ii) the accused applicant shall not try to get in touch with the victim/informant or any of the family members of the informant till the completion of the trial;

(iii) the accused applicant shall not tamper or hamper with the investigation of the case, in whatsoever manner.

In view of the above, the anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant