GAHC010202742026

2026:GAU-AS:15682

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

Case No. : AB/2322/2026

SHAHIDUL KHAN
S/O NUR ISLAM KHAN, R/O VILL BALATARI, SUNDARPARA PT II, PO JAMADARNAT, PS FAKIRGANJ, DIST DHUBRI, ASSAM, PIN 783330

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:MINU BAISHYA
WO LT PRANAB BAISHYA
RO VILL NO 7 GOLI
PATARKUCHI
PO BASISTHA
PS BASISTHA
DIST KAMRUP M
ASSAM
PIN 78102

Advocate for the Petitioner : MR. M U MONDAL, MR. A W MONDAL,MR A ALIM SK,MR K ISLAM,J ISLAM

Advocate for the Respondent : PP, ASSAM, R KHATUN(R2),MS. N NASRIN(R2)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 14-10-2026

1. Heard Mr. M.U. Mondal, the learned counsel appearing for the accused-

applicant. Also heard Mr. K.K. Parasar, the learned Addl. P.P, Assam appearing for the State and Ms. N. Nasrin, the learned counsel appearing for the respondent No.2.

2. This is an application under Section 482 of BNSS, 2023 praying for granting pre-arrest bail to the accused-applicant, namely **Shahidul Khan** in connection with **Basistha P.S. Case No.338/2026** registered under Sections **87/64(1)** of BNS, 2023 read with Section **6** of the POCSO Act.

3. An FIR was lodged by one Minu Baishya before the O/C, Basistha Police Station, on 02.09.2026, alleging that her 17 years old daughter was missing from her house and from the mobile phone of her daughter, they came to know that the girl was having an affair with the accused-applicant and the informant suspected that the accused-applicant must have taken her daughter.

4. On receipt of the aforesaid FIR, police registered Basistha P.S. Case No.338/2026 under the aforementioned sections.

5. The learned counsel appearing for the accused-applicant submits that the victim girl is about 19 years of age and that she was having love relationship with the accused-applicant. He submits that there was no forceful sexual act committed upon the girl by the accused-applicant. He further submits that the accused-applicant shall cooperate with the investigation in the event of he being granted pre-arrest bail.

6. The learned Addl. P.P, on the other hand, opposes the prayer for bail,

stating that there are sufficient incriminating materials against the accused-applicant in the instant case.

7. On the other hand, Ms. N. Nasrin, the learned counsel appearing for the respondent No.2 has submitted that she does not oppose the prayer for bail as per instructions received from the respondent No.2.

8. Taking into account the entire facts of the case and on perusal of the case diary, this Court is of the considered opinion that the accused-applicant should be granted pre-arrest bail at this stage.

9. Accordingly, it is directed that in the event of arrest of the accused-applicant by the Investigating Officer in connection with Basistha P.S. Case No.338/2026, he shall be released on pre-arrest bail on furnishing of a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with one surety of like nature, to the satisfaction of the arresting authority, subject to the following conditions:-

i) That the accused-applicant shall appear before the Investigating Officer within a period of 10(ten) days;

ii) That the accused-applicant shall cooperate with the investigation and make himself available as and when called for by the Investigating Authority; and

iii) That the accused-applicant shall not hamper or tamper with the investigation in any manner.

10. In terms of the aforesaid directions, the instant anticipatory bail

application is disposed of.

JUDGE

Comparing Assistant