GAHC010208842026

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

Case No. : AB/2371/2026

MAHMUDUL ISLAM ALIAS MD MAHMUDUL ISLAM ALIAS HUSSAIN
S/O ABDUL SUBUR ALIAS ABDUS SUBUR, R/O VILL NO 2, SHIBPUR, PS MURAJHAR, DIST HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, A MISHRA,MD A RAHMAN,MR. SURAJIT DAS,MR A W AMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 15.10.2026

Heard Mr. S. Nawaz, learned counsel for the petitioner. Also heard Ms. A. Begum, learned Additional Public Prosecutor appearing for the State.

This is an application under Section 482 of BNSS, 2023 praying for granting pre-arrest bail to the accused-applicant, namely Mahmudul Islam @ Md Mahmdul

Islam @ Hussain in connection with Murajhar P.S. Case No. 81/2026 under Sections 351(2)/351(4)/356(3)/78(2)/79 BNS, 2023 added Sections 66C/66D/67A of the Information Technology Act, 2000.

The gist of the case is that on 18.05.2026, the informant lodged an FIR before the Officer-In-Charge, Murajhar Police Station alleging that the accused applicant, who has been mentally harassing her, created an Instagram I/D in her name and uploaded certain obscene photographs of her and also certain unwanted messages were posted in the aforesaid I/D and has also posted certain messages to the effect that physical relationship with her can be made by any person by paying Rs.300/-.

On the basis of the FIR, Police registered Murajhar P.S. Case No. 81/2026 under the aforementioned Sections.

The learned counsel for the accused applicant submits that all the sections in the instant case are bailable sections except Section 67A.

He submits that from the materials available, it cannot be said that any explicit materials have been posted in the instagram I/D of the informant and therefore, Section 67A is not attracted in the instant case. Therefore, he submits that the accused applicant should be granted pre-arrest bail.

The learned Additional Public Prosecutor has opposed the pre-arrest bail citing that there are incriminating materials against the accused applicant in the case diary.

This Court has taken into consideration the submissions of the learned counsel for the parties and has gone through the materials available in the case diary.

Having been convinced that prima facie no explicit materials have been posted by the accused applicant in the instagram I/D of the informant, this Court is of

view that the accused applicant should be granted anticipatory 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.30,000/- with a surety of like nature to the satisfaction of the Arresting Authority in connection with the aforementioned case, subject to the following conditions:-

(i) the accused applicant shall appear before the Investigating Officer within 10 days from today;

(ii) the accused applicant shall cooperate with the investigation and make himself available as and when called for;

(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