GAHC010223222026

2026:GAU-AS:15653

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

Case No. : Bail Appln./3165/2026

REBINA KHATUN
W/O - DILDAR HUSSAIN, R/O VILL - BORBORI, PS - LAHARIGHAT, DIST - MORIGAON ASSAM

VERSUS

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

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

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

Date : 14.10. 2026

Heard Mr. S.K. Poddar, learned counsel appearing for the petitioner. Also heard Mr. B. Sarma, learned Addl. P.P. for the State.

2. The present petition is filed under Section 483 of the BNSS, 2023 for grant of

bail to the petitioner, namely, **Rebina Khatun**, in connection with Laharighat P.S. Case No. 114/2026 under Section 103 (1) /89 of BNS, 2023, and added Section 61 (2)/ 90 (1)/ 3 (5) BNS.

3. The Case Diary as called for has been received.

4. The learned counsel for the petitioner has submitted that the petitioner, who is a lady aged about 30 years and has two minor children, has been behind bars since 01.09.2026 in connection with Laharighat P.S. Case No. 114/2026.

5. The learned counsel for the petitioner has submitted that the petitioner is the registered license holder for a pharmacy, where, as per the allegations in the FIR, the husband of the petitioner had carried out an illegal termination of pregnancy, which led to the death of the victim upon whom the procedure had been administered.

6. The learned counsel for the petitioner has submitted that the petitioner should not be made to suffer due to the ex-husband and he has accordingly prayed for grant of bail to the petitioner.

7. The learned counsel for the petitioner has also referred to the notice under Section 47 of the BNSS, supplied to the petitioner, to submit that the same does not suffice the requirements of law.

8. The learned counsel for the petitioner has also submitted that the petitioner

is nowhere related to the termination of the pregnancy and the allegations are all against the husband of the petitioner and, therefore, the petitioner may be granted the privilege of bail.

9. The learned Addl. P.P. has submitted that there are at least four cases pending against the husband of the petitioner, who carries out the illegal termination of pregnancy in the premises of the petitioner's pharmacy.

He has further submitted that there are indications that the petitioner had participated in the movement of the deceased from the pharmacy to the hospital and she was also involved in the termination of pregnancy proceedings.

10. The final medical report of the deceased victim also states she had expired due to hemorrhage shock following expulsion of the product of conception. He has accordingly prayed for rejection of the present bail petition.

7. Having considered the submissions made and the contents of the Case Diary so far, I am not of the considered opinion that the petitioner can be granted the privilege of bail at this stage.

8. Accordingly, this bail petition is rejected at this stage.

JUDGE

Comparing Assistant