GAHC010226382026

2026:GAU-AS:15796

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

**Case No. : Bail Appln./3219/2026**

RAJ ALI
SON OF NUR MOHAMMAD ALI NUR MOHAMMAD ALI RESIDENT OF PRAGJYOTISH NAGAR KHANAMUKH GAUHATI UNIVERSITY POST OFFICE GAUHATI UNIVERSITY POLICE STATION JALUKBARI DISTRICT KAMRUP ASSAM PIN 781014

2: ROSE ALI
SON OF NUR ISLAM RESIDENT OF LACHIT PARK PATH NORTH JALUKBARI POST OFFICE GAUHATI UNIVERSITY POLICE STATION JALUKBARI DISTRICT KAMRUP ASSAM PIN 78101

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

**Advocate for the Petitioner** : MR. SK S N MOHAMMAD, FARNAZ N A HUSSAIN,MR ARJU IKBAL

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**
**HONOURABLE MR. JUSTICE RAJESH MAZUMDAR**

**ORDER**

**Date : 15.10.2026**

Heard Mr. Sk. N. Mohammad, learned counsel for the petitioners. Also heard Mr. B. Sharma, learned APP, appearing for the State.

This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 whereby the petitioners, **1. Raj Ali and 2. Rose Ali,** have prayed for granting them bail after they were arrested in connection with Jalukbari P.S. Case No.370/2026 under Sections 123/140(4)/61(2)/64 of BNS.

The learned counsel for the petitioners has submitted that as per the FIR, the victim had been subjected to rape by the prime accused in the FIR and the petitioners who were the managers of the hotel, where the incident took place, had only attempted to preserve the scene of crime by closing the gates not allowing anybody to go out till the arrival of the police.

He has also submitted that it is the petitioners, who had informed the police regarding distraught of the victim informant. However, the present petitioners have been taken into custody by the Investigating Authority. He has accordingly, prayed that the petitioners may be granted the privilege of interim bail during the pendency of this application.

The learned Additional Public Prosecutor, who has gone through the case diary and presented the same before this Court. The learned APP has objected to the prayer made by submitting that since the incident happened in a hotel, supposedly managed by the petitioners herein, and they have played an active role in holding back the victim inside the hotel premises, the prayer for interim bail may not be considered.

The learned APP has further submitted that there are statements made by the victim that hotel authorities had closed the hotel premises and thereafter, she was dragged away by the main accused Mr. Chana Mia. The learned APP has submitted that the role of the petitioners' herein, assisting the prime accused cannot be ruled out and therefore, the present bail application may not be entertained.

I have heard the learned counsel for the parties and have also gone through the case diary.

The petitioners have been arrested on 29-09-2026 and are aged about 18 years

each, who were admitted working in the hotel as Managers.

Keeping in view the stand of the petitioners that they had closed the premises to keep the place of occurrence intact and that there is no statement available on record that the petitioners had except closing down the premises, in any manner, interfered with the victims, assisted the prime accused in his attempts to molest the victim, I find it a case where the privilege of bail can be granted to the petitioners. However, this is a prima facie view.

It is, therefore, provided that the petitioners shall be released on bail on furnishing bond of Rupees 10,000/- each with two local sureties each of the like amount, to the satisfaction of the learned Additional CJM, Kamrup (M), Guwahati, who shall be entitled to impose such other conditions on the petitioners to ensure their participation in the investigation process as may be deemed necessary. It is also provided that the petitioners shall regularly appear before the IO as and when required, without fail.

The bail application stands disposed of.

**JUDGE**

**Comparing Assistant**