

GAHC010005932026



2026:GAU-AS:783

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

Case No. : AB/98/2026

TOMSER ALI
S/O LATE HABIBAR RAHMAN, RESIDENT OF BRVILLAGE- JAWKATADIA,
P.S. BOKO, DIST- KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. P K ROYCHOUDHURY, MR M HUSSAIN, MR. A K
AZAD, MR. N HAQUE

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

22.01.2026

1. Heard Mr. N. Haque, learned counsel appearing for the accused petitioner as well as Mr. P. Borthakur, learned Addl. P.P., Assam appearing for the State respondent.
2. This petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner, namely, **Tomser Ali**, has prayed for granting pre-arrest bail, apprehending arrest in connection with **Boko P.S. Case No.02/2026** under Sections **75(2)/78(2)/329(4) /74/76/64(1)/62/304(2) /3(5) of the BNS Act.**

3. The FIR reveals the allegation of rape upon the victim woman by the accused petitioner No. 1.

4. It is submitted by the learned counsel for the petitioner that the informant was having an illicit relationship with one Sahjahan Ali and he was caught by the villagers and recovered from the house of the present petitioner. The informant has lodged the instant FIR by making false allegation against the petitioners.

5. This appears to be an improbable case where the victim woman was video graphing her own alleged rape by the accused No.1. As far as the allegations against present petitioner (Accused No.5) is concerned regarding taking away of Rs.40,000/- and certain other articles from the house of the informant, there appears to be no such material available in the case diary.

6. Having regard to the above, prayer for pre-arrest bail is allowed.

7. Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with above mentioned case, he shall be released on furnishing bail bond of **Rs.20,000/-** with a suitable surety of the like amount, to the satisfaction of the arresting authority subject to the condition that the petitioner:

(a) Shall co-operate with the remaining investigation;

(b) Shall not hamper or tamper with the evidence of the case.

8. Accordingly, this anticipatory bail application stands disposed of.

9. Return the case diary.

JUDGE

Comparing Assistant