

GAHC010006042026



2026:GAU-AS:2939

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

Case No. : AB/123/2026

MD RAFIKUL ISLAM
S/O ABDUL HASIM, VILL-DAKHIN KHATUAL, P.S. RUPAHI, ITAPARA
O.P. DIST- NAGAON ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:MD. RAFIKUL ISLAM
SON OF LATE ABDUL HEKIM
VILL- LOWGAON
P.S. SADAR DIST. NAGAON
ASSAM

Advocate for the Petitioner : MS B DEVI,

Advocate for the Respondent : PP, ASSAM, MR SARFRAZ NAWAZ, AMICUS CURIAE (R-2)

BEFORE
HON'BLE MR. JUSTICE RAJESH MAZUMDAR
ORDER

25.02.2026

Heard Ms B Devi, learned counsel appearing for the petitioner. Also heard Mr B Sharma, learned Additional Public Prosecutor appearing for the State of Assam, and Mr S Nawaz, learned counsel appearing for the informant.

2. This is an application under Section 482 of the BNSS, 2023, praying for pre-arrest

bail in connection with Special (POCSO) Case No. 255/2025, which is pending trial in the Court of learned Additional District and Sessions Judge-cum- Special Judge (POCSO), Nagaon, Assam.

3. The petitioner received summons from the Court to appear and face the trial, since charges are framed.

4. At this stage, this Court is of the opinion that if the petitioner was not arrested during the period of investigation, the apprehension that he may be arrested when he appears before the Trial Court, has to be tested before the learned Trial Court by moving an appropriate application before the learned appropriate Court. If such an application for regular bail is moved before the learned Trial Court, the same shall be considered on its own merits, without reference to the dismissal of this present anticipatory bail application.

4. The Anticipatory Bail Application is dismissed.

JUDGE

Comparing Assistant