

GAHC010006132026



2026:GAU-AS:2994

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

**Case No. : AB/100/2026**

NIZAM ALI ALISA NAZIM ALI  
S/O- SURAJ ALI,  
RESIDENT OF VILL NANKE GORAPARI, P.S.- DHULA  
DIST- DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR  
REPRESENTED BY THE PP, ASSAM

2:AHMAD ALI  
S/O LATE ROHAN ALI  
VILL- NANKE GORAPARI  
P.S. DHULA

DIST. DARRANG  
ASSA

**Advocate for the Petitioner** : MR. H ALI, MS A DAS,MR. I A HAZARIKA

**Advocate for the Respondent** : PP, ASSAM, MR. R A CHOUDHURY(R2)

**BEFORE  
HONOURABLE MR. JUSTICE ANJAN MONI KALITA**

**ORDER**

**Date : 26.02.2026**

**1.** Heard Mr. I. A. Hazarika, learned counsel for the accused applicant. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State of Assam, as well as Mr. R. A. Choudhury, who has appeared on behalf of respondent No. 2.

**2.** This is an application under Section 482 of BNSS praying for granting pre-arrest bail to the petitioner in connection with Special (P) Case No. 101/2025 under Section 376/313 read with Section 4 of POCSO Act, in connection with Dhula P.S. Case No. 70/2019 under Sections 376/313/506/34 of IPC.

**3.** A complaint was filed on 01.02.2019 before the learned Chief Judicial Magistrate, Darrang, Mangaldai, by the complainant alleging that the complainant's minor daughter was having a love relationship with the accused no. 1 and during the love relationship the aforesaid accused no. 1 had physical relationship with the minor daughter of the complainant. After such physical relationship, it was alleged that she got pregnant and the accused no. 1 along with accused nos. 2, 3 and 4 had taken her forcefully to a hospital and

thereafter, her pregnancy was forcefully aborted. It was alleged that since the minor girl was not keeping well, therefore, informant's family took her to the hospital and found out that her pregnancy was aborted and she disclosed that the accused no. 1 had sexual relationship with her and due to that she got impregnated. On receipt of the complaint, the same was forwarded to Dhula Police Station, wherein an FIR was lodged and accordingly, Dhula P. S. Case No. 70/2019 under Sections 376/313/506/34 of IPC was registered against the accused applicant. The police after the investigation, the Charge Sheet vide Charge Sheet No. 121 dated 15.06.2019, was filed. After filing of the charge sheet, cognizance was taken under section 376/313 of IPC read with Section 4 of POCSO Act against the accused Md. Nizam alias Nazim showing him as absconder.

**4.** Mr. I. A. Hazarika, learned counsel for the accused applicant, submits that the accused applicant is no way connected to the instant case. He was neither named in the FIR nor arrested by the police in connection with the case. His name has been included in the case solely based on suspicion that he was involved in the forceful abortion of the pregnancy of the victim girl whereas none of the accused persons named in the FIR have been named in the charge sheet. The learned counsel further submits that since the charge sheet has been

filed in the case, the accused applicant is willing to appear before the trial court and cooperate with the trial. In view of the above, he submits that the accused applicant should be granted pre-arrest bail at this stage.

**5.** The Case Diary in the instant case has been received and the same is perused.

**6.** Mr. R. J. Baruha, learned Additional Public Prosecutor for the State of Assam, on the other hand, submits that the charge sheet has been filed and the accused has been shown as an absconder. Therefore, prayer for bail should not be considered at this stage.

**7.** This Court, after perusing the trial court record and the statements of the witnesses, including that of the victim, is of the prima facie opinion that the present applicant should be granted pre-arrest bail at this stage so that he can appear before the trial court.

**8.** Accordingly, it is directed that in the event of his arrest in connection with the instant case, the accused shall be released by the arresting authority upon submission of a bail bond of Rs. 30,000/- with a surety of like nature, to the satisfaction of the Special Judge, Darrang, Mangaldai. This is subject to the condition that the accused applicant shall appear before the Trial Court on

27.03.2026, which is the next date fixed in the trial court, i.e., the Court of the Special Judge, Darrang, Mangaldai.

**9.** In terms of the aforesaid directions, the instant Anticipatory Bail application is disposed of.

**JUDGE**

**Comparing Assistant**