

GAHC010009372026



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

Case No. : AB/121/2026

OHIDUL ISLAM AND 2 ORS.
S/O-SURUT ALI

2: ROFIQUL ISLAM
S/O-SURUT ALI

3: SAHERA KHATUN ALIAS KHATUN
W/O RAFIQUUL ISLAM
ALL ARE VILL-BOALKAMURI PART-I P.O-BOALKAMURI P.S-BILASIPARA
DIST-DHUBRI
ASSAM
PIN-78334

VERSUS

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

2: ANJUMA BEGUM
W/O- ALI AKBAR VILL-JAMDUAR PART-II P.O-TILAPARA P.S-BILASIPARA
DIST-DHUBRI
ASSAM. PIN-78334

Advocate for the Petitioner : MR. M HUSSAIN, MR. R I MONDAL

Advocate for the Respondent : PP, ASSAM, MR. M ISLAM(R2)

**BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR**

ORDER

Date : 27-02-2026

Heard Mr. M. Hussain, learned counsel for the petitioners. Also heard Mr. D.P Goswami, learned Addl. P.P appearing for the State and Mr. M. Islam, learned counsel appearing for the respondent No.2 who has been duly appointed by the respondent No. 2 through a Vakalatanma.

The content of the FIR in regard to Bilasipara P.S Case No. 14/2026 u/s 64/49 of BNS r/w section 6/14/15 of POCSO Act reads as follows;

“To,

The O/C Bilasipara Police station.

Date-2.1.2026

Sub-Ejahaar

Informant-Anjuma Begum (19Years), D/O- Ali Akbar, Vill-Jamduar Part-II, PS-Bilasipara, Dist-dhubri, Assam. M/No. 93651862258

Sir,

With due respectfully beg to state that in the year 2022, I was reading at class HS 1st year at Jhanalaya jatiya Bidyalaya and I was recognize with the accused person. One day, while I was at school, the accused person forcefully took me at Maspara Garden city from Bangalipara about 3 years go. There he threatened me for dire consequences and forcefully committed physical relation with me and captured adult video in his mobile. Since then he has been blackmailing me by those video and committed physical relation so many time. In this matter, his brother and sister-in-law are involved. They have shown those videos to our villagers.

Therefore, you are requested to investigate the matter and provide justice and thus oblige.

Name and address of accused person.

*1. Ohidul Islam
S/O- Surut Ali Mondal*

*2. Rofiqul Islam
S/O- Surut Ali Mondal*

*3. Shahara Khatun
W/O- Rofiqul Islam
Address-Boalkamuri Part-I Nayahat Sonkosh
PS-Bilasipara, Dist-Dhubri.*

Your's faithfully

Sd/ Anjuma Begum."

Accordingly, investigation was launched and since the petitioners herein were named accused in the FIR, they had approached before this Court praying for anticipatory bail.

By the order dated 22.01.2026, this Court had taken into consideration the fact that the accused No.1 was a student undergoing studies and the accused No. 2 & 3 were Government servant. Keeping such view of the matter, this Court had granted the interim protection allowing the petitioners to appear before the I.O while awaiting service of notice upon the respondent No.2 and the CD.

Today, Mr. M. Islam, learned counsel for the respondent No. 2 has drawn the attention of this Court to an affidavit filed by the informant, by which a statement has been made that there was a proposal of marriage between the informant and the petitioner No. 1, but the same could not materialise. Therefore, in anger, the father of the informant had forced the informant to lodge an FIR on 02.01.2026. The parties had again met on 10.01.2026 and accordingly executed agreement. The statement of the victim recorded by the learned JMFC, Bilasipara is also to the effect that the FIR had been lodged out

of anger and now her head is cooled down and that the accused had not done any bad work.

In view of the above, the interim protection granted to the petitioner is now stands made absolute.

However, this Court notices that the entire process of law was set to motion due to the mere anger of the father of the informant and the informant herself, who were both major at the time of lodging the FIR of setting in motion the process of law only to satisfy their anger.

Section-22 of POCSO Act, 2012 provides for punishment for false complaint or information being given with regard to the Acts which are prohibited under the POCSO Act, 2012.

The learned Court of the SDJM, Bilasipara shall take note of this order, the statement made by the victim on 12.01.2026 before the learned JMFC and also the agreement placed on record before this Court and the affidavit placed on record by the informant and initiate appropriate proceedings as required in law including committal case to the appropriate Court, if so necessary, etc to comply with the requirement of section 22 of POCSO Act, 2012.

A copy of this order along with a copy of the bail petition and the affidavit filed be send to the Court of the learned JMFC, Bilasipara through the Registry. The learned Addl. P.P shall also forward a copy of this order to the concerned I.O of Bilasipara P.S Case No. 14/2026 for doing needful.

Anticipatory bail application stands disposed.

JUDGE

Comparing Assistant