

GAHC010018642026



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

Case No. : AB/251/2026

SABINA KHATUN
W/O ANARUL ISLAM, VILL. GAYAN GAON, P.O. GAYAN GAON, P.S DHING,
DIST. NAGAON, ASSAM, PIN 782126

VERSUS

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

2:MARJINA BEGUM
D/O SAFUR UDDIN
VILL- 1 NO. GAYAN GAON
P.O. GAYAN GAON

P.S. DHING DIST. NAGAON
ASSAM
PIN-78212

Advocate for the Petitioner : MR. J ABBAS, SK ABDULLAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

25.02.2026

Heard Mr. J. Abbas, learned counsel appearing for the petitioner. Also heard Mr. B. Sharma,

learned Additional Public Prosecutor, Assam,

2. By this application filed under Section 482 of the BNSS, 2023, the petitioner, namely, Sabina Khatun, has prayed for pre-arrest bail, who apprehends arrest in connection with Special POCSO Case No. 343/2025 pending in the Court of the learned Additional District & Sessions Judge –cum- Special Judge (POCSO), Nagaon.

3. The husband of the petitioner had been arrested on 14.10.2025 on the basis of an FIR lodged on 15.09.2025 which culminated in the registration of Dhing P.S. Case No. 229/2025 under Sections 351(3)/127(2)/3(5) of the BNS read with Sections 14/15 of the POCSO Act, 2012 and read with Section Section 67(B) of the IT Act.

4. The scanned copy of the TCRs have been received. On perusal of the scanned copy of the TCRs, it indicates that the Birth Certificate produced by the alleged victim, who is also informant of the FIR, was found to be false as per the certificate given by the Registrar of Birth and Death, Dhing PHC, Nagaon, Assam.

5. The learned counsel for the petitioner has submitted that the petitioner, who is also the maternal cousin of the husband of the informant, had earlier raised objection to the marriage of the informant with her maternal cousin, namely, Rizabul Islam, son of Amrajul @ Amdadul, resident of village Pachim Mukunda Ati, P.S. Juria, District Nagaon, Assam, the informant has initiated the proceedings against the petitioner with a motive of vengeance and harassment.

6. The Court notices that as per the records available in the scanned copy of the TCR it is nowhere revealed that the informant/victim is a married lady. Rather, it appears that she has declared herself to be a minor and before the remand Court, an application was filed for custody of the informant by the mother and accordingly, custody had also been granted.

7. In view of the fact that the Birth Certificate of the informant as supplied by the informant herself is found to be false and there are specific allegations that the informant is a married lady and also the fact that the informant had herself lodged the FIR, this Court is of the opinion that the learned Trial Court i.e. the Additional District & Sessions Judge No. 1–cum- Special Judge (POCSO), Nagaon would have an enquiry conducted through appropriate agency regarding the veracity of the allegations made, namely, that the informant is a married lady, who is married to one Rizabul Islam, son of Amrajul @ Amdadul, resident of village Pachim Mukunda Ati, P.S. Juria, District Nagaon, Assam. If in fact, the informant has been given in marriage and if in fact, she is a minor, then, there are other

incidents which may require investigation whether offences under the POCSO Act have been committed by persons other than the petitioner or the other accused in the FIR dated 15.09.2025. The aspect, whether the informant has provided false information regarding her age is also required to be gone into.

8. It has been informed to this Court that the next date of the proceeding before the Trial Court has been fixed on 26.02.2026.

9. Keeping in view the entire conspectus of the matter, it is directed that the petitioner herein shall appear before the learned Trial Court on or before 09.03.2026 along with the certified copy of this order and on her such appearance, petitioner Sabina Khatun, if arrested, shall be released on bail in connection with Special POCSO Case No. 343/2025 pending in the Court of the learned Additional District & Sessions Judge –cum- Special Judge (POCSO), Nagaon on furnishing a bond of Rs.20,000/- with 2 (two) sureties of the like amount to the satisfaction of the learned Trial Court.

The Trial Court shall be at liberty to impose such further conditions upon the petitioner to ensure her presence and participation in the trial proceedings thereafter.

10. The enquiry requested by this Court shall be taken up with due diligence to ensure that facts are brought before the learned Trial Court at an early date. It is needless to say that in case the allegations leveled by the informant or the information supplied during the investigation are found to be false, the learned Trial Court would follow the due procedure of law for initiating false cases under the POCSO Act. It is also clarified that in case it is found that the petitioner herein has made false accusation during the trial proceeding, the learned Trial Court would be at liberty to take into account the same and proceed accordingly including cancellation of the bail.

11. The bail application stands disposed of.

JUDGE

Comparing Assistant