

GAHC010029002026



2026:GAU-AS:2995

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

Case No. : AB/330/2026

SAIDUL ISLAM
S/O ABDUL KHALIK, RESIDENT OF VILLAGE BALITKA, P.S. LALUK,
DISTRICT LAKHIMPUR, ASSAM.

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR M H AHMED, I AMIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 26.02.2026

Heard Mr. M. H. Ahmed, learned counsel appearing for the accused-applicant. Also heard Mr. K. Baishya, learned Addl. P.P., representing the State respondent.

2. This is an application, filed under Section 482 of the BNSS, 2023, praying for grant of pre-arrest bail to the accused-applicant in connection with Laluk P.S. Case No. 28/2026, registered under Sections 329(4)/64(1)/351(3) of the BNS, 2023.

3. An FIR was lodged on 01.02.2026, by the informant/victim, alleging that on the night of 27.01.2026 at about 10:00 PM, the accused-applicant, taking advantage of no one being there at home, entered her house and after tying her hands, raped her. It was alleged that after the commission of the rape, hearing hue and cry, the nearby people came and the accused fled threatening her with dire consequences, if she discloses the incident to anyone.

4. On receipt of the FIR, the police registered Laluk P.S. Case No. 28/2026, under the aforementioned sections against the accused-applicant.

5. The learned counsel appearing for the accused-applicant submits that the accused-applicant was, in fact, not involved in the alleged incident of rape, as he was present in a Volleyball Tournament organized by the Local Youths of the village at that point of time. He referred to certain screenshots of video of that Volleyball Tournament, wherein he is seen to be present. He submits that it is not possible for him to go from the Volleyball field to commit the offence and come back again to the field. He submits that there are certain enmities between the families of the accused-applicant and the informant. He further submits that though the incident alleged to have happened on 27-28.01.2026 midnight, the FIR was filed only on 01.02.2026 without any explanation of delay. He submits that the accused-applicant is a renowned Volleyball player and does not have any criminal antecedents and he is a young boy of 23 years old. He submits that taking into account the entire facts of the case and the delayed filing of the FIR and since the police has not arrested him till date, the accused-applicant should be granted pre-arrest bail at this stage.

6. The learned Addl. P.P., on the other hand, submits that there are many incriminating materials available in the Case Diary about the prima facie involvement of the accused-applicant in the instant case. Therefore, he submits that at this stage, the bail should not be granted to him.

7. This Court has gone through the Case Diary produced before this Court.

8. It is seen that though there was an allegation that the rape was committed at about 10:00 o'clock at night and upon hearing the hue and cry of the informant, people gathered there. However, it could not be understood why the people did not go to the Volleyball field where the accused-applicant was present at that time and apprehended him. It is also seen that the FIR was filed in a delayed manner without any explanation.

9. Having found the aforesaid facts, this Court is of the considered opinion that at this stage, the accused-applicant should be allowed to go on pre-arrest bail. Accordingly, it is directed that in the event of arrest of the accused-applicant in the instant case by the Investigating Officer, he shall be released on bail on furnishing a bail bond of Rs. 30,000/- (Rupees Thirty Thousand only) with a surety of like amount to the satisfaction of the Arresting Authority, subject to the following conditions: -

(1) that the accused-applicant shall appear before the Investigation Officer, within a period of 10(ten) days of passing of this order.

(2) The accused-applicant shall not hamper the investigation nor tamper with any evidence nor influence any witnesses connected with the case and shall appear as and when called for and fully co-operate in the investigation of the case.

10. In the aforesaid terms, the instant anticipatory bail application is disposed of, as allowed.

11. Case Diary to be sent back.

JUDGE

Comparing Assistant