

GAHC010037822026



2026:GAU-AS:2837

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

Case No. : AB/399/2026

SRI PRASANTA BORTHAKUR
S/O LATE SRI DEBESHWAR BORTHAKUR, PERMANENT R/O SHANKAR
MISSION ROAD, PANIGAON, PS SADAR NAGAON, DIST NAGAON, ASSAM,
PIN 782003

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR Z KAMAR, P D CHOUDHURY, MR S J CHOUDHURY, MR.
BISWAJIT TALUKDAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 25.02.2026

Heard Mr. Z. Kamar, learned Senior Counsel assisted by Mr. S. J. Choudhury, learned counsel for the accused applicant. Also heard Mr. K. Baishyu, learned Addl. Public Prosecutor for the State of Assam.

2. This is an application filed under Section 482 of Bharatiya Nagarik

Suraksha Sanhita, (BNSS) 2023 praying for grant of pre-arrest bail to the accused applicant in connection with Hatigaon P.S. Case No.0031/2026, registered under Sections 49/81/89/351(2)/3(5) of BNS, 2023.

3. An FIR was lodged on 11.02.2026 by the informant alleging that one Shri Chandan Borthakur induced her to enter into a relationship on the promise of marriage, and thereafter she started living with him. During her stay, she became pregnant. It is alleged that the said Chandan Borthakur later refused to marry her and forced her to terminate the pregnancy. It was further alleged that the father of the said Chandan Borthakur, who is the applicant herein, abetted the said act.

4. On receipt of the FIR, Hatigaon P.S. Case No. 0031/2026 under Sections 49/81/89/351(2)/3(5) of the BNS, 2023, was registered against the accused persons, including the present applicant.

5. Mr. Kamar, learned Senior Counsel for the accused applicant, submits that there was no abetment on the part of the accused applicant. He further submits that the accused applicant is 70 years old person and had no knowledge of any alleged false promise of marriage or termination of pregnancy concerning the informant. It is also submitted that he is a respectable citizen and will cooperate with the investigation.

6. Mr. Baishya, learned Addl. P.P., on the other hand, submits that without perusal of the Case Diary, the prayer of the accused applicant for grant of pre-arrest bail should not be considered at this stage.

7. Upon consideration of the materials placed before this Court and after hearing the submissions made by the learned counsel for the respective parties, this Court is of the considered opinion that, at this stage, the accused applicant

is entitled to the protection of anticipatory bail.

8. Accordingly, it is directed that in the event of arrest of the accused applicant by the Investigating Authority, he shall be released on furnishing a bail bond of Rs. 30,000/- (Rupees Thirty Thousand only) with a surety of like nature to the satisfaction of the Arresting Authority, subject to the following conditions:

- (i) that the accused applicant shall appear before the I.O. of the case within a period of 10 days from the date of passing of this order;
- (ii) that the accused applicant shall fully cooperate with the investigation and make himself available as and when called for by the I.O.; and
- (iii) that the accused applicant shall not try to influence any of the witnesses that may involved in the instant case.

9. With the aforesaid direction, the instant anticipatory bail application stands disposed of, as allowed.

JUDGE

Comparing Assistant