

GAHC010043352026



2026:GAU-AS:3791

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

Case No. : AB/475/2026

KAUSHIK SARKAR
SON OF LT. KHITISH SARKAR, RESIDENT OF OUJARI, P.S.-MORIGAON,
DISTRICT-MORIGAON, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR BHARGAV DAS, MR. C PAUL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE ANJAN MONI KALITA

16.03.2026

ORDER

Heard Ms. S. Baruah, learned counsel appearing for the accused applicants and Mr. M. P. Goswami, learned Addl. PP for the State of Assam.

2. This is an application filed under Section 482 of BNSS, 2023, praying for pre-arrest bail to the accused applicants in connection with Morigaon P.S. Case

No. 289/2025 under Section 69 and 3(5) of the BNS, 2023

3. An FIR was lodged on 22.12.2025 by the informant alleging that she was in a romantic and physical relationship with the accused applicant for one year or so, however, on 21.12.2025 at 02.30 PM on receipt of a phone from the accused applicant, she went with him inside the vehicle, the accused applicant tried to have sexual intercourse with her. When she denied for the same, he tried to forcefully commit the offence.

4. After receipt of the FIR, the Police registered Morigaon P.S. Case No.289/2025 was registered under the aforementioned sections.

5. The learned counsel appearing for the accused applicant submits that the accused applicant is a graduate teacher and he is in a romantic relationship with the girl and hasn't done any of the offence as has been alleged in the FIR. Since the FIR has been lodged, he is apprehending arrest and therefore, this application has been filed for granting him pre-arrest bail, at this stage.

6. The learned Addl. PP, on the other hand, submits that serious allegation can be seen from the FIR, therefore, at this stage, pre-arrest bail should not be granted to the accused applicant.

7. This Court has heard the submissions made by the learned counsel appearing for the respective parties and after taking into account the kind of allegation that have been revealed from the FIR, this Court is not inclined to grant pre-arrest bail, at this stage.

8. Accordingly, the instant anticipatory bail application stands rejected.

JUDGE

Comparing Assistant