

GAHC010053122026



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

Case No. : AB/556/2026

MAKMADUL HASSAN ALIAS MAHMUDUL HASSAN
S/O HANIF ANSARI
R/O VILL- KOKILA PART- NO. 1, P.S. ABHAYAPURI, DIST. BONGAIGAON,
ASSAM.

2: SOHIDUL ISLAM
S/O NUR ISLAM
R/O TAPESWARA
P.S. KALGACHIA
DIST. BARPETA
ASSAM

3: KADBHANU
W/O HANIF ANSARI
R/O VILL- KOKILA PART NO. 1

P.S. ABHAYAPURI
DIST. BONGAIGAON
ASSAM.

4: JAHURA KHATUN
W/O MAKMADUL HASSAN
R/O VILL- KOKILA PART NO. 1
P.S. ABHAYAPURI
DIST. BONGAIGAON
ASSAM.

5: HANIARA PARBIN
W/O SAHIDUL ISLAM
R/O TAPESWARA
P.S. KALGACHIA
DIST. BARPETA
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR, MS. N.A. BEGUM,MR. S RANA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

O R D E R

Date : 16.03.2026.

Heard Mr. S. Munir, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Addl. P.P., Assam appearing on behalf of the State respondent.

This is an application under Section 482 of BNSS, 2023 praying for grant of pre-arrest bail to the accused/petitioners, namely, Makmadul Hassan alias Mahmudul Hassan, Sohudul Islam, Kadbhanu, Jahura Khatun and Haniara Parbin who are apprehending arrest in connection with the Abhayapuri P.S. Case No. 48/2026, registered under Sections 189(2)/331(4)/ 74/115(2)/117(2) of the BNS, 2023.

Call for the case diary, fixing the matter on 22.04.2026.

It is submitted by Mr. Munir, the learned counsel that the present accused petitioners are innocent and no way connected with the alleged offence.

However, it is a fact that there is a land dispute between the parties and the husband of the informant had fraudulently mutated the entire property where the accused petitioners are also owner of the same. To that context, there was a quarrel between the parties and in that context the FIR was lodged with some false and concocted allegations. However, talk of compromise was also going on between the parties. Mr. Munir, the learned counsel further submitted that in presence of the wives of the accused Nos. 1 & 2, it is not possible to commit such kind of offence of outraging modesty of the informant. However, the petitioners are ready and willing to extend their cooperation in further investigation of this case, if they are granted with the privilege of interim pre-arrest bail.

Mr. P. Borthakur, the learned Addl. P.P., Assam raised objection and submitted in this regard that there are sufficient allegation brought against the petitioners and accordingly, the learned Addl. P.P., Assam insisted to call the case diary.

Considering the entire submissions made by learned counsel for both sides and the statement made in the FIR, this Court is of the opinion that some interim protections may be provided to the present accused petitioners, till receipt of the case diary and giving them an opportunity to cooperate with the investigation of this case.

Accordingly, it is provided that in the event of arrest of the accused/petitioners, namely, Makmadul Hassan alias Mahmudul Hassan, Sohudul Islam, Kadbhanu, Jahura Khatun and Haniara Parbin, in connection with the Abhayapuri P.S. Case No. 48/2026, they will be enlarged on interim pre-arrest bail on executing a bond of Rs. 20,000/- (Rupees twenty thousand) only, with one surety of like

amount for each of them, to the satisfaction of the arresting authority, subject to the following conditions:-

- (i) that the petitioners will make themselves available for interrogation by the Investigating Officer within 7 (seven) days from today;
- (ii) that the petitioners will fully co-operate with the investigation of the case and will appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. case; and
- (iii) that the petitioners will not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her/them from disclosing such facts to the Court or to any police officer.

List the matter on 22.04.2026, for case diary.

JUDGE

Comparing Assistant