

GAHC010053702025



2026:GAU-AS:797

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

Case No. : AB/588/2025

RAFIK ALI @ RAFIQUE ALI
S/O- MOTLEB ALI @ CHATU, R/O- VILL- POKALAGI PT II, PS- GOLAKGANJ,
DIST- DHUBRI, ASSAM, PIN- 783334

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP, ASSAM

2:AKABBAR ALI
S/O LATE BHAISHAL SK.
R/O VILL- POKALAGI PT.II
P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM
PIN-78333

Advocate for the Petitioner : MRS. K DEVI, MS S A KHALIFA

Advocate for the Respondent : PP, ASSAM, MR. S RANA (R-2)

BEFORE
HON'BLE MR. JUSTICE RAJESH MAZUMDAR
ORDER

22.01.2026

Heard Ms S A Khalifa, learned counsel for the petitioner and Mr D P Goswami, learned Additional Public Prosecutor for the State of Assam. Also heard Mr S Munir, learned counsel appearing on behalf of Mr S Rana, who is stated to be not available due

to medical ground.

2. This application under Section 482 of the BNSS, 2023, has been filed for grant of pre-arrest bail to the petitioner, namely, Rafik Ali @ Rafique Ali, in connection with an FIR lodged on 31.10.2022, which was registered as Golakganj PS Case No. 405/2022 (corresponding to Special Case No. 384/2022), under Section 376 of the IPC, read with Section 4 of the POCSO Act, 2012, alleging an assault on the granddaughter of the informant, on 21.10.2022. The case has already been charge sheeted and pending in the Court of learned Additional Sessions Judge-cum-Special Judge (POCSO), District-Dhubri, Assam.

3. The learned counsel for the petitioner has submitted that the petitioner is willing to participate in the Trial proceedings. However, there is apprehension that the petitioner may be arrested even prior to his appearance before the learned Trial Court to pray for regular bail.

4. In the facts and circumstances of the case, this Court directs that the petitioner shall appear before the learned Trial Court on or before **10th of February, 2026**, and pray for regular bail. It is provided that if prior to his appearance he is arrested, he shall be released on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand Only), with a suitable surety of like amount to the satisfaction of the arresting authority till 10th of February, 2026, under the conditions that:

- i) That the petitioner shall appear before the concerned Trial Court on or before 10.02.2026; and
- ii) That the petitioner shall not hamper or temper with the evidence of the instant case in any manner.

6. The petitioner shall invariably appear before the learned trial Court, on or before 10th of February, 2026, to pray for regular bail and on his failure to do so the privilege of bail given by this Court shall stand elapsed.

7. It is further provided that the prayer for regular bail before the learned trial Court, shall be considered on its own merit, without any reference to the privilege granted by this Court.

8. Anticipatory Bail Application stands disposed of.

JUDGE

Comparing Assistant