

GAHC010053982026



undefined

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

Case No. : AB/575/2026

ROZ MAHMUD HOSSAIN AND 3 ORS.
S/O HUSSAIN ALI VILLAGE JHAGRARP PAR PT-4, PS DHUBRI DIST DHUBRI,
ASSAM

2: MOFIZUL HOQUE
S/O SAYED ALI VILLAGE JHAGRARP PAR PT-4
PS DHUBRI DIST DHUBRI
ASSAM.

3: CHOLEMAN ALI
S/O SAFIKUL ISLAM VILLAGE JHAGRARP PAR PT-4
PS DHUBRI DIST DHUBRI
ASSAM.

4: BABIDUR ISLAM
S/O JONAB ALI VILLAGE JHAGRARP PAR PT-4
PS DHUBRI DIST DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM.

Advocate for the Petitioner : MR M CHOUDHURY, MR. S ISLAM, MR. M MONDAL

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS**

ORDER

Date : 02-04-2026

Heard Mr. M. Mondal, learned counsel for the petitioners and also heard Mr. P. Borthakur, learned Addl. P.P appearing for the State.

The four accused/petitioners namely, Roz Mahmud Hussain, Moziful Hoque, Choleman Ali & Babidur Islam seeking anticipatory bail in invoking under section 482 of BNSS, 2023 in connection with Gauripur P.S Case No. 35/2026 u/s 70(1)/115(2)/3(5) of BNS.

The gist of the allegation in the FIR dated 25.01.2026 lodged by the victim women is that on the late night of 24.01.2026 while she came down from the bus, she requested accused No.1 to drop her but the accused No. 1 took her to another place with the help of the other accused persons and where all of them committed raped upon her and fled away.

The learned counsel for the petitioner submitted that as per his instruction the petitioner's allegations are false and the petitioner and the victim women are having a love affair.

The learned Addl. P.P objecting to the bail has submitted that the investigation has revealed that the victim was subjected to a gang rape by the accused persons and the medical evidence collected has also lent support to the same and also the CDR analysis.

I have perused the statement of the victim women recorded before Magistrate. Grave implications emerge against the accused persons in the said statement. In the given circumstances, I am of the considered view that this is not a case for anticipatory and at least, at this stage, as active investigation is

still in progress.

Accordingly, the present anticipatory application stands rejected.

Return the CD.

JUDGE

Comparing Assistant