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

Case No. : AB/594/2026

MD SAFIQL ISLAM
S/O- UMED MANCHI ALIAS UMED ALI, R/O- VILLAGE AHMEDPUR BLOCK,
P.O. AND P.S. - BIHPURIA, DIST. - LAKHIMPUR, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, STATE OF ASSAM

Advocate for the Petitioner : MR. M K NEOG,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date - 07.05.2026

1. Heard Mr. M. K. Neog, the learned counsel for the petitioner. Also heard Mr. K. K. Das, the learned Additional Public Prosecutor appearing for the State of Assam.
2. This application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the petitioner, namely, Md.

Sofiquel Islam, who is apprehending his arrest in connection with Bihpuria P. S. Case No. 07/2025, under Sections 85/79/64/351(2)/351(3)/3(5) of the BNS, 2023.

3. The gist of accusation in this case is that on 05.01.2025, the victim woman had lodged an FIR before the Superintendent of Police, Lakhimpur, North Lakhimpur, inter-alia, alleging that the present petitioner, who is her father-in-law had committed rape on her on 05.07.2024.
4. It is further alleged that in the FIR when the matter was informed to the brother-in-law, he also threatened her not to disclose the matter to anyone and it is also stated in the FIR that the victim woman also informed her husband, who was in Arunachal Pradesh at that time. However, he also did not take any steps in this regard.
5. Further, it is also stated in the FIR that on 26.08.2024, the petitioner telephoned the victim woman to come back, however, realizing his ill intention, she refrained from stepping out of her parental house and on 16.10.2024, she lodged an FIR before the In-Charge of Bongalmora Police Out-post. It is also alleged in the FIR that when the said FIR was not registered by the In-charge, she had to approach the Superintendent of Police and, accordingly, the present FIR has been lodged.
6. The learned counsel for the petitioner submits that the petitioner is innocent and is not involved in the offence alleged against him in the FIR. He submits that as the petitioner is having a joint family

with two sons and two daughters in law, and he insisted them to stay together, a false FIR has been lodged against him. He further submits that the co-accused, who is the son of the present petitioner, has already been granted anticipatory bail by this Court on 21.05.2025, in AB Case No. 629/2025.

7. He further submits that as the charge sheet has already been laid, there is no requirement of any custodial detention of the present petitioner. He also submits that petitioner is ready and willing to cooperate in the trial and will abide by any condition which is imposed.
8. On the other hand, the learned Additional Public Prosecutor has vehemently opposed the grant of bail to the present petitioner on the ground that the petitioner is accused of a heinous offence like rape on his own daughter-in-law. He submits that the victim woman has implicated the petitioner of raping her in her statement, which has been recorded under Section 183 of BNS, 2023. He also submits that there are also materials on record to indicate that the petitioner has threatened the victim woman of not disclosing the matter to anyone. It is also submitted by the learned Additional Public Prosecutor that though, the victim woman had disclosed the incident to her husband, he also did not take any steps and, therefore, there was delay in lodging the FIR.
9. I have gone through the materials on record and have considered the submissions made by the learned counsel from both sides.

10. It appears that the co-accused, namely, Md. Nur Amin has been granted anticipatory bail by this Court on an earlier occasion. However, it also appears that he stands on a different footing from that of the present petitioner.
11. On going through the materials on record, there are sufficient incriminating materials, which indicates the complicity of the present petitioner in the offence alleged against him.
12. Considering the nature of offence as well as the fact that the victim woman had also been threatened of not disclosing the incident to anyone, this Court is not inclined to grant anticipatory bail to the petitioner at this stage.
13. The prayer for grant of anticipatory bail is, therefore, rejected.

JUDGE

Comparing Assistant