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

Case No. : AB/874/2026

AZINUR ISLAM
S/O ANOWAR HUSSAIN, R/O VILL. CHOTOGIRAIRPARA, P.O. BARKANDA,
P.S. BILASIPARA, PIN 783348, DIST. DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE PP, ASSAM.

2:MD. SAFIQU ALOM (COMPLAINANT)
S/O LATE ABDUL HUSSAIN
R/O VILL- WARD NO. 3 BILASIPARA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
CONTACT NO. 60027968868

3:XXXXX (THE RESPONDENT NO. 3)
W/O AZINUR ISLAM
D/O KODOM ALI
R/O VILL- CHOTOGIRAIRPARA
P.O. BARKANDA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-78334

Advocate for the Petitioner : MR. K LAHKAR, R BISWAS

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS**

ORDER

Date : 04-05-2026

Heard Mr. K. Lahkar, learned counsel for the petitioner. Also heard Mr. M.P Goswami, learned Addl. P.P appearing for the State.

This is an application under Section 482 BNSS, 2023 praying for granting anticipatory bail to the accused/petitioner, namely Azinur Islam who is apprehending arrest in connection with Bilasipara P.S Case No. 25/2026 under Section 6 of POCSO Act r/w section 9 of POCSO Act and section 75 of the Juvenile Justice (Care & Protection of Children) Act, 2015.

The complaint was lodged by respondent No.2 who is the Child Marriage Prohibition Officer for the concerned area alleging that the petitioner has contracted child marriage with the alleged victim/respondent No.3 who was aged 17 years and they have also have a child born on 22/02/2026 at Dhubri Medical College.

It is contended and submitted that the petitioner and the girl married after a long love affair but the marriage was solemnized on 17/03/2025 after she had attained majority.

It is submitted that her actual date of birth is 05/02/2007 and in support of the same the learned counsel for the petitioner has drawn attention to a copy of a school leaving certificate as well as an affidavit purportedly sworn by the victim girl.

Issue notice.

The learned counsel for the petitioner shall take steps for service of notice by speed post upon the respondent No. 3/informant through the Office of the P.P and to be executed through the concerned P.S.

Mr. M.P. Goswami learned Additional PP objecting to the bail submits that, at this stage, only Case Diary be called for.

I peruse the documents mentioned above and in both the documents, the date

of birth is mentioned as 05/02/2007.

Nevertheless, call for the Case Diary from the concerned Police Station. However, in the aforesaid facts and circumstances, the possibility of the girl being a major at the time of her marriage cannot be ruled out and in that event, the possibility of non-application of the POCSO Act also cannot be ruled out *prima facie*.

In such view of the matter, it is directed that, in the interim, in the event of arrest of the accused/petitioner in connection with this case; he may be allowed to go on bail of Rs. 30,000/- with one surety of the like amount to the satisfaction of the arresting authority and subject to the conditions that; he shall co-operate with the investigation; he shall appear before the I.O for examination and he shall not hamper or tamper with the evidence. Violation of the bail conditions shall entail cancellation of bail.

List this matter again on **22.05.2026**.

JUDGE

Comparing Assistant