

GAHC010262012025



2026:GAU-AS:528

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

Case No. : AB/2797/2025

NAZRUL HOQUE
S/O SAJODDI SHEIKH
VILL- DHARMASALA PART-II
P.S. AND DIST. DHUBRI, ASSAM

VERSUS

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

2:MOKSED ALI
S/OLT. OHETULLAH SHEIKHVILL- GASPARA
P.O. DHARMASALA
P.S. AND DIST. DHUBRI
ASSAM

PIN-78332

Advocate for the Petitioner : MR. A T SARKAR,

Advocate for the Respondent : PP, ASSAM, MR. SURAJIT DAS, AMICUS CURIAE, (R-2)

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

19.01.2026

Heard Mr. A.T. Sarkar, learned counsel appearing for the petitioner. Also heard Mr. R.J. Baruah, the learned Addl. Public Prosecutor, Assam representing Respondent No.1 as well as Mr. S. Das, the learned Amicus Curiae representing the Respondent No.2.

2. This is an application under Section 482 of the BNSS, 2023 praying for pre-arrest bail in respect of Dhubri P.S. Case No.327/2025.

3. On 14th July, 2025, the informant took his 15 year old daughter to a doctor for medical treatment. The doctor told him that his daughter had already undergone a medical procedure for termination of pregnancy. The informant asked his daughter about the said matter. Then, she told him that the present petitioner had committed rape upon her on multiple times and also videographed those incidents. The petitioner allegedly threatened her that if she refuses to have sexual relationship with her, he would make those videos public. On being scared by the said threatening, the girl had to give consent for sexual intercourse and ultimately she became pregnant. Thereafter, the petitioner took her to a couple who terminated her pregnancy.

4. Mr. Sarkar has submitted that the girl might be below 18 years of age but she was having a love-affair with the petitioner. Mr. Sarkar submits that the girl was a consenting party.

5. Mr. Baruah has submitted that the girl was a minor and therefore there is a clear case against him.

6. I have considered the submissions made by the learned counsel of both sides.

7. I have decided to agree with Mr. Baruah. The girl has implicated the petitioner in her

statement under Section 183 of the BNSS, 2023. The girl was a minor and therefore, the petitioner is not entitled to get relief under the provisions of law as laid down in Section 482 of the BNSS, 2023. The pre-arrest bail application is rejected and disposed off accordingly.

JUDGE

Comparing Assistant