GAHC040003412026 2026:GAU-AP:740

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

Case No. : BA/23/2026

Smti Yaji Hemi
Wife of Late Tadung Hemi, resident of Village Talamying, PO and PS Monigong, Shi Yomi District, Arunachal Pradesh.

VERSUS

The State of AP and Anr
through the PP of AP

2:Miss X
Age: 0
Occupation :
Daughter of Shri Pema Ruku
Village Puku
PO and PS Monigong
Shi Yomi District
Arunachal Pradesh

Advocate for the Petitioner : Neelam Taje, Kalip Haji,Takar Niji

Advocate for the Respondent : P P of AP, Legal Aid Counsel,Mipe Ete

Linked Case : IA(Crl)/64/2026

Smti Yaji Hemi
Age: 50
Occupation :
Address:Wife of Late Tadung Hemi

residing of Village Talamying
PO and PS Monigong
Shi Yomi District
Arunachal Pradesh.

VERSUS

The State of AP and Anr
Age: 0
Occupation :
Address:represented through the PP of AP
2:Miss X
Age: 0
Occupation :
Address:Daughter of Shri Pema Riku
Puku Village
PO and PS Monigong
Shi Yomi District
Arunachal Pradesh.

Advocate for : Neelam Taje
Advocate for : P P of AP appearing for The State of AP and Anr: Advocate , appearing for 2, respectively.

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 06-08-2026

Heard Mr. N. Taje, learned counsel for the petitioner and Ms. L. Hage, learned Additional PP for the State of AP and Mr. M. Ete, learned Legal Aid Counsel for the informant.

2. Invoking the jurisdiction under section 483 BNSS, the petitioner is seeking granting of bail to the accused, **Shri. Neta Hemi**, who was arrested on 26.03.2025 under section 65 BNS, 2023 r/w Section 4 POCSO, 2015. The accused is stated to be in judicial custody since then and the investigation of the case resulted in chargesheet being CS No. 7/2025

dated 09.04.2025 and the case is presently pending before the learned Special Judge (POCSO), Aalo.

3. The learned counsel for the petitioner drawing attention to the annexed documents submits that several bail applications have been filed before the learned Trial Court but they have been rejected, the last one on 22.01.2026. It appears that further investigation is in progress and the IO is in the process of filing supplementary chargesheet along with forensic report. However, it has not yet been filed and the learned counsel submits that the accused continues to languish under trial detention. He has drawn attention to the arrest memo under section 35 BNS.

4. The scanned TCR is available.

5. Ms. L. Hage, learned Additional PP fairly submits that upon perusing the TCR, she could not find the notice under section 47 and 48 BNS enumerating the grounds of arrest.

6. Mr. M. Ete, learned counsel for the informant expressed some concerns if bail is granted to the petitioner at this stage.

7. Considering the various aspects of the matter, such as length of investigation and non finding of the notice under section 47 and 48 BNS – I am of the considered view that the accused is required to be released on bail at this stage. However, to address the legitimate concerns vis-a-vis the victim, suitable conditions have to be imposed.

8. Accordingly, the petitioner shall be allowed to go on bail on furnishing

a bail bond of Rs. 50,000/- (rupees fifty thousand) with one surety of like amount to the satisfaction of the concerned court below, subject to the following conditions:-

(i) He shall not abscond;

(ii) He shall cooperate with the remaining investigation;

(iii) He shall make himself available for trial if one commences;

(iv) He shall not harm or intimidate the victim or her family members;

(v) He shall not threaten or influence any of the witnesses.

9. In case of violation of any of the bail conditions, it would be open to the prosecution or the informant side to move suitable application before the learned Trial Court for cancellation of the bail.

10. The bail application along with the connected interlocutory application being IA(Crl)/64/2026 stands disposed of.

JUDGE

Comparing Assistant