GAHC010082372026

2026:GAU-AS:9776

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

Case No. : Bail Appln./1122/2026

SRI PREM BAHADUR CHETRY
SON OF LT. HARKA BAHADUR CHETRY, RESIDENT OF NANKE BIHMARI,
P.S.- BEHALI, IN THE DISTRICT OF BISWANATH, ASSAM.

VERSUS

STATE OF ASSAM AND ANR
, REPRESENTED BY THE PUBLIC PROSECUTOR P.P., ASSAM.

2:SMT HEMA KOIRALA
WIFE OF LT. CHAABILAL KOIRALA
RESIDENT OF NANKE BIHMARI
P.S.- BEHALI
IN THE DISTRICT OF BISWANATH
ASSAM (INFORMANT

Advocate for the Petitioner : MR DEBA SARMAH, A R MONDAL,MR. A M AHMED,MS. S SUT

Advocate for the Respondent : PP, ASSAM, MS. P DAS, AMICUS CURIAE R2

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date : 17.07.2026

Heard Mr. A.M. Ahmed, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor appears for the State of Assam

and Ms. P. Das, learned Amicus Curiae for the respondent No.2.

2. This is an application under Section 483 of the BNSS, 2023 whereby the petitioner, Prem Bahadur Chetry has prayed for releasing him on bail after he was arrested in connection with Behali Police Station Case No. 76/2025, registered under Section 65(2) of the Bharatiya Nyaya Sanhita, 2023 read with Section 6 of the POCSO Act, 2012 in Spl (POCSO) Case No. 74/2025 pending before the Court of learned Special Judge, Biswanath.

3. The allegation against the petitioner is that he committed penetrative sexual assault by inserting his figure as well as his penis into the private part of the victim, who is aged about 7 years only.

4. The Trial of the case is proceeding and the evidence of the victim has also been recorded. The evidences of the other witnesses are also available on record.

5. Having regard to the nature of allegation as well as the materials available in the TCR and considering the gravity of the offence, prayer for bail of the petitioner is rejected at this stage.

6. Accordingly, this bail application stands disposed of.

JUDGE

Comparing Assistant