GAHC010128292026

2026:GAU-AS:9684

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

Case No. : Bail Appln./1692/2026

MD ABDUL MOTALIB
AGED ABOUT 27 YEARS,
S/O-TASIR UDDIN,
R/O- VILL PAGHALI,
P.SSAMAGURI,
DIST-NAGAON,
ASSAM,
PIN-782140.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR,
ASSAM,
GAUHATI HIGH COURT,
GUWAHATI-1.

2:HALIMA KHATUN
W/O- SHARAG ALI
R/O- VILL FOKALI BILPAR
P.S. RUPAHIHAT
DIST NAGAON
ASSAM
PI

Advocate for the Petitioner : MR. S C BISWAS, MS A DAS,MS. J GHOSH,B KALITA,MS. S. CHANDA,MS. K L R YANTHAN

Advocate for the Respondent : PP, ASSAM, MR. W RAHMAN(R2),MR. K KALITA(R2)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 16-07-2026

Heard Mr. S. C. Biswas, learned counsel for the accused applicant. Mr. B. Sarma, learned Additional Public Prosecutor for the State and Mr. K. Kalita, learned counsel for the respondent No. 2.

2. This is an application under Section 483 of the BNSS, 2023 praying for granting bail to the accused applicant in connection with Rupahihat P. S. Case No. 169/2021 under Sections 363/376DA/109 of the IPC read with Section 4 of the POCSO Act, 2012, corresponding with G.R. Case No. 1158/2021 in connection with Special (POCSO) Case No. 72/2021 pending before the learned Special Judge (POCSO), Nagaon.

3. Mr. Biswas, learned counsel for the accused applicant, submits that Special (POCSO) Case No. 72/2021 is pending before the learned Special Judge (POCSO), Nagaon and that the accused applicant had been appearing before the aforesaid Court during the trial. However, due to certain compelling reasons, the accused applicant could not remain present before the Trial Court for a certain period and therefore, the learned Trial Court had issued an NBWA against the accused applicant. Pursuant thereto, the accused applicant was arrested on 19.05.2026 and he is behind bars since then. Mr. Biswas submits that the accused applicant is willing to cooperate with the trial and appear before the Trial Court as and when required and therefore, prays that the accused applicant be granted bail.

4. The scanned copy of the Trial Court Record has already been produced.

5. From the perusal of the record, it is seen that charges were framed

against the accused applicant on 19.08.2023 and PW-1 was examined on 02.02.2024. It is also seen from the record that the accused applicant had remained absent without taking any steps since 18.09.2024 and was arrested on 19.05.2026 pursuant to the issuance of the NBWA.

6. Taking into account the materials available in the Trial Court record and the conduct of the accused applicant, this Court is not inclined to grant bail to the accused applicant at this stage.

7. Accordingly, the instant bail application stands rejected.

JUDGE

Comparing Assistant