GAHC010144232026

2026:GAU-AS:11795

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

Case No. : AB/1609/2026

L BIRALAL SINGHA
S/O LATE BINOD BIHARI SINGHA,R/O DHAMALI GOVINDANAGAR,P.S. SONAI, DISTRICT CACHAR, ASSAM,PIN 788119.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

2:RENU SINGHA
W/O TOMPOK SINGHA
R/O DHAMALI GOVINDANAGAR
P.S. SONAI
DISTRICT CACHAR
ASSAM
PIN 78811

Advocate for the Petitioner : MR. A ROSHID,

Advocate for the Respondent : PP, ASSAM, MD IMRAN(R2),MR. MD IMDAD(R2),MD R ISLAM(R2),MR. J JAKARIA(R2),MR S M ABDULLAH P(R2),MS F HUSSAIN(R2)

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

18.08.2026

Heard Mr. A. Roshid, learned counsel for the applicant; Mr. P. Borthakur, learned Additional Public Prosecutor for the State, being respondent No. 1; and Ms. F. Hussain, learned counsel for the respondent No. 2.

2. Apprehending arrest in connection with **Sonai PS Case No. 61/2026**, under Sections 329(4)/351(2)/74 of the BNS, read with Section 6 of the POCSO Act, this application under Section 482 of the BNSS, is preferred by applicant namely, **L. Biralal Singha**, for grant of pre-arrest bail.

3. It is to be noted here that the above noted case has been registered on the basis of one FIR lodged by one Benu Singha (actual name withheld) on 30.06.2026.

3.1. The essence of allegation made in the FIR, dated 30.06.2026, is that on 28.06.2026, at about 07:00 pm, the applicant had attempted to commit rape upon the minor daughter of the informant, being the relative uncle of the victim girl.

4. Mr. Roshid, learned counsel for the applicant, submits that though the case is registered under Section 6 of the POCSO Act, yet the same is not attracted herein this case and that the applicant is innocent and he has falsely been implicated herein this case. Mr. Roshid further submits that pursuant to order dated 20.07.2026, the applicant had appeared before the IO and he has been cooperating with the investigating agency. Under such circumstances, Mr. Roshid has contended to make the interim order dated 20.07.2026, absolute in the same terms and conditions.

5. Per-contra, Mr. Borthakur, learned Additional Public Prosecutor, has vehemently opposed the petition and by producing the case diary before this Court, he submits that in view of the statement of the victim girl, recorded under Section 183 of the BNSS, this application may be dismissed. Mr. Borthakur further submits that the victim girl is suffering from trauma and she has also attempted to take her own life.

6. On the other hand, Ms. Hussain, learned counsel for the respondent No. 2, submits that the applicant is the relative uncle of the victim girl and they live in the same locality and as such, if the interim order is made absolute, then he may influence the witnesses. Ms. Hussain further submits that the victim girl is suffering from trauma, for which she has attempted to commit suicide also. Under such circumstances, Ms. Hussain has contended to dismiss this application, by vacating the interim order, dated 20.07.2026.

7. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the application as well as the documents placed on record and also perused the case diary with the assistance of learned Additional Public Prosecutor.

8. It is a fact that the applicant had appeared before the IO and he has been cooperating with the investigating agency. But, at the same time, it also appears that the IO has collected sufficient incriminating materials against him. The victim, in her statement under Section 183 of the BNSS, has clearly implicated the applicant.

9. The offences are serious in nature and the victim girl is suffering from trauma, for which, she also attempted to take the extreme step to take her own life. Besides, the applicant and the victim girl are relatives by blood and as they reside in the same locality and as such, threat, intimidation and coercion on the part of the applicant to the victim and her family cannot be ruled out, if the privilege of pre-arrest bail is granted to him.

10. Under such circumstances, this Court is of the view that this is not a fit case, where the privilege of pre-arrest bail can be granted to the applicant and accordingly the same stands dismissed.

11. The interim order, dated 20.07.2026, stands vacated.

12. The case diary be returned.

JUDGE

Comparing Assistant