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

Case No. : Bail Appln./2136/2026

BADRUL ISLAM
S/O JAMAL UDDIN,VILLAGE BHAIRABPUR PT-V, P.S. KALAIN, DISTRICT CACHAR, ASSAM.

VERSUS

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

2:AZAD HUSSAIN
S/O SATIR ALI LASKAR
VILLAGE BHAIRABPUR PT-V P.S. KALAIN
DISTRICT CACHAR ASSA

Advocate for the Petitioner : MS S S ZIA, MS T PARASHAR,MS S DAS

Advocate for the Respondent : PP, ASSAM, MS. M K BROWN, Amicus Curiae, R2

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

14.09.2026

Heard Ms. S.S. Zia, learned counsel for the petitioner. Also heard Ms. S.H. Bora, learned Additional Public Prosecutor, Assam for the State/respondent No.1 and Ms. M.K. Brown, learned *Amicus Curiae* for the respondent No.2.

This application has been preferred under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, "BNSS") by the petitioner, namely, **Badrul Islam**, praying for granting regular bail, in connection with Kalain P.S. Case No.48/2026, under Sections 123/137(2)/351(2)/74/78(2) of the Bharatiya Nyaya Sanhita, 2023 (in short, "BNS"), read with Section 12 of the Protection of Children from Sexual Offences Act, 2012, (in short, "POCSO Act") corresponding to Special POCSO Case No.51/2026, pending before the Court of learned Special Judge, POCSO, Cachar, Silchar.

The petitioner is in custody since 29.05.2026.

The case in brief is that the complainant lodged an FIR at Kalain Police Station, alleging, *inter alia* that on 16.05.2026 at about 8:30 A.M., his minor daughter went to Golden Valley School as usual. However, owing to certain personal Xerox related work, she could not reach the school in time. Later, at about 10:30 A.M., while she was proceeding towards her house, the accused had approached her on her way and offered her a cold drink. After consuming the said cold drink, the accused took her away and subsequently, left her in front of his house. On seeing his daughter there, her sister approached the place, whereupon the accused threatened them with dire consequences.

It is submitted on behalf of the petitioner that the allegations as reflected in the FIR do not make any offence of sexual harassment under the POCSO Act. It is further submitted that the petitioner and the victim were friends and they met outside the school where the victim was studying and the age of the victim was 15 years.

Ms. S.H. Bora, learned Additional Public Prosecutor, Assam and Ms. M.K. Brown, learned *Amicus Curiae* have submitted that the evidence of the victim

would reveal the actual facts.

However, the statement of the victim recorded under Section 183 of the BNSS, as reflected in the order dated 14.07.2026 passed by the learned Special Judge, POCSO, makes no mention of any sexual assault or harassment.

The petitioner, in the meantime, has passed 109 days behind the bars and the investigation of the case has also been completed.

Having regard to the above, the prayer for bail is allowed.

The accused abovenamed shall be released on bail of Rs.50,000/- with 2 sureties of like amount to the satisfaction of the learned Special Judge, POCSO, Cachar, Silchar. The Bail is granted on the condition that the petitioner shall regularly participate in the trial and shall not attempt to influence or intimidate the victim or any other witness acquainted with the facts and circumstances of the case.

This bail application stands allowed and disposed off accordingly.

JUDGE

Comparing Assistant