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

Case No. : Bail Appln./2535/2026

TUTUN DAS
S/O ANANTA DAS, R/O WEST KAMAKHYA COLONY, PS AND PO JALUKBARI, DIST KAMRUP (M), GHY, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, GOVT OF ASSAM

2:SIMA MANDAL
W/O UTTAM MANDAL ALIAS DAS
R/O PANDU SAKUNTALA COLONY
JALIKBARI
GUWAHATI WEST
PS JALUKBARI
DIST KAMRUP (M)
GHY
ASSA

Advocate for the Petitioner : MR. S K JAIN,

Advocate for the Respondent : PP, ASSAM, MR. TAPOBRAT CHHETRI(R2),MR. DHANANJAY TALUKDAR(R2),MR. A GANGULY(R2)

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date : 02.09.2026

Heard Mr. S. K. Jain, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor appearing for the State of Assam and Mr. A. K. Ganguly, learned counsel for the informant.

2. This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 whereby the petitioner, namely, Tutun Das, has prayed for releasing the petitioner on bail after he was arrested on 25.07.2026 in connection with Jalukbari Police Station Case No. 285/2026 registered under Section 4 of the POCSO Act and under Section 142/87 of BNS, 2023.

3. The FIR in connection with which the petitioner has been arrested was lodged on 24.07.2026 by the complainant, stating, *inter alia* , that the petitioner had enticed away the daughter of the complainant and, while the parents of the victim had gone for medical treatment, solemnized marriage with her. Thereafter, they started living together and established a physical relationship.

4. Mr. S. K. Jain, learned counsel for the petitioner submits that the FIR was lodged out of a misunderstanding and that, subsequently, the parties have arrived at an understanding. An affidavit stated to have been sworn by the mother of the victim/informant has been annexed to the present bail application, wherein it is stated that her daughter had married the petitioner with their consent and that, at the time of such marriage, she was a major. It is further stated that they are presently residing together as husband and wife and that, owing to certain misunderstandings and personal differences between

them, her daughter had returned to her paternal home. It is submitted that, due to the said misunderstanding, the present FIR came to be lodged.

5. It is further stated therein that the informant and the victim does not wish to proceed with the case any further and has no objection if the petitioner be released on bail.

6. Mr. A. K. Ganguly, learned counsel for the informant also submits to the same effect.

7. Having regard to the above as well as the fact that the petitioner has been spent 39 days behind the bar, I am of the view that the petitioner should be released on bail. Accordingly, the prayer for bail is allowed. The petitioner shall be released on bail on furnishing a bail bond of Rs. 50,000/- (Rupees Fifty Thousand) only with two sureties, of the like amount, to the satisfaction of the learned Additional Sessions Judge –cum-Special Judge (POCSO), Kamrup (Metro), at Guwahati.

8. It is further provided that the petitioner shall regularly participate in the trial and shall not try to tamper with the remaining witnesses.

9. Accordingly, the bail application stands disposed of.

JUDGE

Comparing Assistant