GAHC020005482026 2026:GAU-NL:402

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

Case No. : Bail Appln./20/2026

SHRI KETOUNEI-O
U/O SHRI SEYIENEI-U, R/O PHESAMA VILLAGE, KOHIMA,
NAGALAND.

VERSUS

THE STATE OF NAGALAND
REPRESENTED BY THE PUBLIC PROSECUTOR, NAGALAND

Advocate for the Petitioner : TONGPOK PONGENER, PANGOM W KHEMAN,MERENWATI,ACHIBA OZUKUM,OZUNGLILA,KETI IMCHEN,M. DIVINA THERIE,VIKEHIENUO VIMERHA,ASENLA S LKR,LAKNYEI PHOM,AKUM JAMIR

Advocate for the Respondent : P.P, NAGALAND,

BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

Date : 21.07.2026

The instant bail application under Section 480 of the BNSS, 2023 has been preferred by the Petitioner praying for release of the accused, Shri Seyenei-u, in connection with Special Case No. 13/2026 corresponding to

Women PS Case No. 0008/26 under Section 62/74/76/117(2) of the BNS read with Section 8 of the POCSO Act.

2. Heard learned counsel for the petitioner, Mr. Tongpok Pongener. The learned counsel has submitted that the accused person was arrested on 13.05.2026 in connection with Special Case No. 13/2026 and it is also stated that Charge-sheet has also been already filed on 20.06.2026.

3. Learned counsel submits that the Accused person had approached the learned Trial Court with a bail application, being I.A. Bail/118/2026, but the same was rejected vide order dated 03.07.2026. Upon perusal of the materials the Court found that there exist reasonable grounds that the allegation of sexual assault was committed. The Court also held that such assault on a minor is grave in nature and carries severe punishment. Further the Court was of the view that there are relevant factors to show that the Accused may interfere with the course of justice. Considering the above mentioned grounds, the Trial Court rejected the application by the order dated 03.07.2026.

4. Learned counsel for the Petitioner, by referring to the Charge-sheet, has submitted that no *prima facie* case has been made out under Section 8 of the POCSO Act inasmuch as the medical examination of the minor victim reveals that she was injured only on the face and nose. Learned counsel also submits that the Accused person is a graduate and had applied for a professional training course under the Department of Employment, Skill Development and Entrepreneurship, Kohima and the written examination is scheduled on 22.07.2026. A copy of the exam hall

ticket has also been annexed to the instant application. The learned counsel therefore prays that the Accused may be granted bail and that he is willing to abide by any conditions this Court may impose.

5. Per contra, the learned Public Prosecutor, Ms. Livika has objected to the instant application on the ground that the materials on record clearly indicate that the Accused is a habitual offender, who has assaulted and manhandled members of the public on several occasions. Statements of independent witnesses regarding such incidents are also part of the record. The learned Public Prosecutor also submits that if the Accused is released at this stage, there is every likelihood that he may threaten and intimidate the witnesses, especially the victims as they reside in the same locality. In the event this Court is inclined to allow the application, the bail should only be an interim one and should be granted only for a few days in order to enable the Accused to appear for the exam.

6. The Court has considered the submissions made by the learned counsel for the parties and also perused the Charge-sheet. This Court is not inclined to make any observations regarding the materials in the Charge-sheet. However, considering the fact that the Accused is due to appear for an exam on 22.07.2026, the Accused is released on interim bail for a period of 5 (five) days from today on the following conditions:

i. Execution of bail bond for a sum of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount who shall be a Government employee to the satisfaction of the learned Trial Court.

ii. The Accused shall surrender before the Trial Court upon the expiry

of 5 (five) days, i.e., on 27.07.2026.

iii. The Accused shall not directly or indirectly attempt to influence or intimidate the witnesses or tamper with evidence.

iv. The Accused shall also furnish copies of his I.D. as well as two phone numbers on which he can be contacted at all times.

7. It is also observed that the Accused person is at liberty to apply for regular bail before the learned Trial Court.

8. Bail Application stands disposed of.

JUDGE

Comparing Assistant