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

Case No. : AB/815/2026

SAGAR DAS
S/O. LATE PRADIP DAS
RESIDENT OF VILLAGE JALAKISUTI, NO.2 CHILAGAON P.S. SILAPATHAR
DISTRICT DHEMAJI, PIN - 787059

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

2:SRI ABRAJ BHUJEL
S/O/ LATE MAN BAHADUR BHUJELBANDARGURI VILL NO. 1
P.S. UDALGURI DIST- UDALGURI ASSA

Advocate for the Petitioner : MR Z ALAM, R ISLAM

Advocate for the Respondent : PP, ASSAM, P ROY,MS. S NAZNEEN (r-2)

BEFORE

HON'BLE MR. JUSTICE ANJAN MONI KALITA

18.11.2026

Heard Mr. Z. Alam, learned counsel appearing for the accused applicant. Also heard Mr. K. K. Parasar, learned Addl. PP for the State of Assam as well as Ms. S. Nazneen, learned counsel appearing for the respondent No. 2/informant.

2. This is an application under Section 482 of the BNSS, 2023 praying for granting pre-arrest bail to the accused applicant in connection with Special (P) Case No. 28/2025 corresponding to Udalguri P.S. Case No. 55/2024 registered under Section 366 IPC read with Section 6 of the POCSO Act.

3. The brief facts of the case is that an FIR was lodged by one Abraj Bhujel, who is stated to be the father of the victim girl before the Officer-in-Charge, Bhairabkunda Out Post on 15.05.2024 alleging that his daughter was found missing since 13.05.2024 and she was recovered at that time from the house of the accused applicant located at Silapathar. Again, when the victim girl was found to be missing, the informant suspected that the accused applicant might have taken his daughter.

4. On the basis of the FIR, the Police registered the Udalguri P.S. Case No. 55/2024 under the aforementioned sections.

5. After completion of the investigation, charge sheet in the instant case has been filed and since the accused applicant did not appear before the learned Trial Court, NBWA has been issued by the learned Special Judge, Udalguri vide it's order dated 10.11.2025.

6. The learned counsel appearing for the accused applicant submits that the accused applicant and the victim girl are in a love relationship and due to which the victim girl voluntarily eloped with him and stayed with

him in those occasions. He submits that the Police did not arrest him during the investigation period. He submits that the accused applicant was working in Kerala and now he is willing to cooperate with the investigation, therefore, he prays that the NBWA that has been issued against him be recalled and the accused applicant should be granted pre-arrest bail, at this stage.

7. Mr. K. K. Parasar, learned Addl. PP, on the other hand, opposes the bail prayer of the accused applicant by submitting that the victim girl was minor when the alleged incident occurred, therefore, any consensual relationship will not help the accused applicant.

8. Ms. S. Nazneen, learned counsel appearing for the respondent No. 2/informant, however, submits that she does not have any objection, if the accused applicant is granted pre-arrest bail.

9. The TCR in the instant case has been received and the same is minutely perused.

10. Taking into account the statements made before the Police by the victim girl as well as other materials available in the TCR, this Court is of the considered opinion that the accused applicant should be given the privilege of pre-arrest bail. Accordingly, in the event of the arrest of the accused applicant, namely, ***Sagar Das***, he shall be released on pre-arrest bail on furnishing a bail bond of Rs.30,000/- with a surety of like nature to the satisfaction of the learned Special Judge, Udalguri subject to the

condition that:

(i) ***that the accused applicant shall appear before the learned Special Judge, Udalguri within 10 days from today and subsequently as and when required.***

11. In view of the aforesaid, NBWA issued against the accused applicant by the learned Special Judge, Udalguri vide it's order dated 10.11.2025 shall stand cancelled.

In terms of the aforesaid directions, the instant anticipatory bail stands disposed of, as allowed.

JUDGE

Comparing Assistant