GAHC010118662026

2026:GAU-AS:16183

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

Case No. : Bail Appln./1583/2026

MR SANJIB ROY @ SANJEEV RAI
S/O- SRI. BHOBEN RAY R/O-BISHNPUR, ADARSHA GAON, P.S. AND P.O.- GALAKEY, DISTRICT- SIVASAGAR. PIN CODE-785696.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE P.P. ASSAM.

2:SRI BABU BHARALI
S/O-LATE JUREN BHARALI R/O-BISHNUPUR GAON GALAKEY PIN CODE-78569

Advocate for the Petitioner : MR P KATAKI, U BARUAH,MS. A LALA,MRS R BEGUM,MS N KASHYAP

Advocate for the Respondent : PP, ASSAM, MS S BORA, AMICUS CURIAE R2

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 04.11.2026

Heard Mr. P. Kataki, learned Senior Counsel, assisted by Ms. A. Lala, learned counsel, appearing on behalf of the accused-applicant. Also heard Mrs. A. Begum, learned Addl. P.P., representing the State respondent and Ms. S. Bora, learned

counsel, appearing for the informant.

2. This is an application under Section 483 of the BNSS, 2023, praying for granting bail to the accused-applicant in connection with Gelakey P.S. Case No. 15/2026, registered under Sections 3(5) of the BNS, 2023, read with Section 6 of the POCSO Act, 2012.

3. The gist of the case is that an FIR was lodged on 22.04.2025 before the Officer-in-Charge by one Babu Bharali, alleging that on 22.04.2025, when his sister came for her treatment for an irregular menstrual cycle at Gelakey BPHC, the doctor found her to be pregnant. Accordingly, the doctor informed the police, and thereafter, she was taken to Sivasagar Civil Hospital for an ultrasound, and she was found to be two months pregnant. The matter was referred to CWC (Child Welfare Committee), and the victim girl gave a statement that two persons, namely, Gauri Kanta Bhakat and Sanjib Ray, both residents of the same village, had forceful intercourse with her, as a result of which she had become pregnant.

4. On receipt of the FIR, the police registered Galekey Police Station Case No. 15/2025. After investigation, the police filed the charge-sheet against the accused-applicant under Section 3(5) of BNS read with Section 6 of the POCSO Act. The matter is at present pending before the trial court and it has been submitted that three (3) witnesses have already been examined, including the victim as well as the informant.

5. The learned Senior Counsel appearing for the accused-applicant submits that from the deposition of the victim before the Trial Court, it is apparent that there are certain contradictions in her statement and the story narrated before the police as well as in the FIR. He submits that since the victim and the informant have been examined and cross-examined, there is no possibility of influencing of any vital witness and since the accused-applicant is a young boy of 19 years of age and he is

languishing in jail for one year and six months, he should be granted bail at this stage.

6. Ms. A. Begum, learned Addl. PP as well as Ms. S. Bora, learned counsel for the informant, on the other hand, opposes the prayer of bail of the accused-applicant at this stage, submitting that the trial is going on in a reasonable good speed and at this stage, bail should not be granted.

7. This court has gone through the materials available in the TCR, as well as considered the submissions made by the counsel appearing for the respective parties.

8. Taking into account the fact that the vital witnesses (the victim and the informant) have already been examined before the trial court, and taking into account the depositions available in the TCR, this court is of the considered view that the accused-applicant should be released on bail at this stage. Accordingly, it is directed that the accused-applicant shall be released on bail on furnishing a bail bond of Rs. 30,000/- (Thirty Thousand) with two sureties of like nature, to the satisfaction of the learned Special Judge (POCSO), Sivasagar, subject to the conditions that the accused-applicant shall regularly appear before the trial court as and when required and shall not tamper with the evidence nor hamper the trial in any manner whatsoever.

9. In terms of the above, the instant bail application stands disposed of as allowed.

JUDGE

Miriam Degu
(SPA)