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2026:GAU-AS:15249

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

Case No. : Bail Appln./1996/2026

MD ASHIKUL ISLAM
S/O IZZAT ALI, R/O VILL HAIBARGAON BORALIMARI, PS BHURAGAON,
DIST MORIGAON, ASSAM

VERSUS

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

2:MANINDRA BISWAS
S/O LATE MANGAL BISWAS

R/O VILL JENGPARI
PS BHURAGAON
DIST MORIGAON
ASSA

Advocate for the Petitioner : MR J C BORAH,

Advocate for the Respondent : PP, ASSAM, R MANDAL(R2),MR. R GHOSH(R2)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 09.10.2026

Heard Mr. J.C. Borah, learned counsel appearing for the accused-applicant.

Also heard Mr. M.P. Goswami, learned Addl. P.P., representing the State respondent as well as Mr. R. Mandal, learned counsel for the respondent no. 2.

2. This is an application filed under Section 483 of the BNSS, 2023, praying for grant of bail to the accused-applicant in connection with POCSO Case No. 62/2026, arising out of Bhuragaon P.S. Case No. 25/2026, registered under Sections 64/351(3)/137(2) of the BNS, 2023, read with Section 6 of the POCSO Act, 2012.

3. An FIR was lodged on 27.04.2026 before the Bhuragaon Police Station, alleging that on 24.04.2026, at around 11:00 AM, the minor girl of the informant was taken away by the accused-applicant by enticing her, and thereafter, he raped her in an unknown place at Jagiroad in Morigaon. It is alleged that she was later on dropped by the accused-applicant on his motorcycle at about 4:00 PM in the evening on 25.04.2026. It is also alleged that again at around 8:00 PM in the evening of 26.04.2026, the accused-applicant took her away on his motorcycle to an unknown place in Morigaon and again committed rape upon her. At around 5:00 AM in the morning of 27.04.2026, she could be located at Baralimari Market, and thereafter she was taken to her residence.

4. On receipt of the FIR, police registered Bhuragaon P.S. Case No. 25/2026, under the aforementioned sections.

5. The learned counsel appearing for the accused-applicant submits that the accused-applicant was arrested on 02.05.2026, and since then, for the last 160 days, he is behind the bars. He submits that charges in the instant case have been framed on 24.06.2026; however, no witnesses have been examined till date. He further submits that the victim girl is not a minor, as could be seen from the medical report, which mentions her age to be between 16 and 18 years. He further submits that certain documents relating to her birth date have been brought on record by the informant in the instant case; however, all those documents have

been procured post the alleged incident. Therefore, taking into account the aforesaid, he prays that the accused-applicant should be released on bail at this stage.

6. The learned Addl. PP, on the other hand, opposes the prayer of bail, submitting that sufficient incriminating materials are against the accused-applicant.

7. The learned counsel appearing for the respondent No. 2 has also supported the submission of the learned Addl. PP and submits that certain documents relating to her birth have been located by the informant and they wanted to submit the same before the I.O.; however, the I.O. refused to accept the same.

8. The TCR in the instant case has been received and the same is perused. This Court has also considered the submissions made by the Counsel appearing for the respective parties.

9. On perusal of the TCR, this Court has found that there are sufficient materials alleging the behavior and activities of the accused-applicant, as well as *prima facie* involvement of the accused-applicant in the alleged offense narrated in the FIR.

10. Taking into account the aforesaid, and also taking into account of the fact that neither the victim nor the informant have been examined by the trial court as yet, this Court is not inclined to grant any relief to the accused-applicant at this stage.

11. Accordingly, the instant bail application stands rejected.

JUDGE

Miriam Degu
(SPA)