GAHC010150232026

2026:GAU-AS:15459

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

Case No. : Bail Appln./2038/2026

JOSHI NAOHOLIA
S/O. SRI KULADHAR NAOHOLIA RESIDENT OF VILLAGE DIMOW,
KINARCHANGMARI GAON, P.O.- SENCHOWAR PUKHURI, P.S. - MORAN,
DISTRICT-DIBRUGARH

VERSUS

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

2:SMT DIPAMONI RABHA
W/O SRI NITUL BORA KAHILIPARA
4TH APBN
GATE NO.2
GUWAHATI-3

Advocate for the Petitioner : MS. M BARMAN, LEGAL AID COUNSEL

Advocate for the Respondent : PP, ASSAM, MR A.K. HAJONG(R2),MR. S. K. CHAKMA(R2),MR I CHAKMA(R2),MS H BETALA(R2),MS. D GHOSH(R2)

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

13.10.2026

Heard Ms. M. Barman, learned Legal Aid Counsel for the accused and Mr. B.

Sarma, learned Additional Public Prosecutor for the State respondent. Also heard Mr. S. K. Chakma, learned counsel for the respondent No. 2.

2. This application, under Section 483 of the BNSS, 2023, is preferred by the accused, namely, **Joshi Naoholia**, who has been languishing in jail hajot since 24.04.2025, in connection with Sessions Special Case No. 104/2025, arising out of Dispur P.S. Case No. 175/2025, under Sections 351(2)/65(1)/87 of the BNS, 2023, read with Section 4 of the POCSO Act, 2012, pending before the Court of the learned Special Judge (POCSO), Kamrup (M), Guwahati, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Cintamoni Rabha (actual name withheld), on 28.02.2025.

4. The essence of allegation against the present accused, in the FIR dated 28.02.2025, is that when the minor daughter of the informant, who is studying in class V, proceeds to her school, the accused herein, at times, did not allow her to attend school and instead, he took her on his scooty for outing. And when the informant got to know about the same, she restrained her daughter, following which, her daughter stopped talking and meeting the accused, for which, the accused met her daughter and abused the family members in slang language by going to her house, and also threatened her daughter to pour acid on her person, if she does not meet him. Thereafter, on 28.02.2025, the accused took her daughter in his scooty and kept her in his house and established physical relationship with her forcefully.

5. Ms. Barman, learned counsel for the accused submits that the accused was

arrested on 28.02.2025, and since then, he has been languishing in jail hajot for more than one year, and that investigation has already been completed and charge-sheet has also been submitted. She also submits that trial is going on and out of 8 witnesses, cited in the charge-sheet, 6 witnesses have already been examined, and that the accused will appear before the learned Trial Court regularly and will face the trial and under such circumstances, she has contended to allow this application.

6. Per contra, Mr. Sarma, learned APP for the State respondent, has opposed the petition. He submits that the case is at the last stage and if the accused is enlarged on bail at this stage, the possibility of fleeing away cannot be ruled out and in that event, the trial will be delayed. He also submits that the accused has threatened the witnesses and said that he will pour acid on the person of the victim, and the same has also been reflected in the FIR also. And under such circumstances, he has contended to dismiss the application.

7. Mr. Chakma, learned counsel for the respondent No. 2 has also opposed the application. Referring to the objection filed by the respondent No. 2, he submits that there is threat and intimidation by the accused to the victim that he would pour acid on her person and there is also the risk of fleeing away and harming the victim and the informant. And under such circumstances, he has contended to dismiss the application.

8. Having heard the submissions of the learned counsel for both the parties, this Court has carefully gone through the application and the documents placed on record and also gone through the scanned copy of the Trial Court records.

9. It appears that the accused has been charged under Sections 351(2)/65(1)/67 of the BNS, 2023, read with Section 4 of the POCSO Act, 2012.

10. The offences are serious in nature. Trial is going on and out of 8 witnesses cited in the charge-sheet, 6 witnesses have already been examined and those witnesses have clearly implicated the accused with the offences charged.

11. It further appears that the accused has threatened the victim to pour acid on her person and the same has been reflected in the FIR also.

12. Thus, having considered the submissions of the learned counsel for both the parties and also considering the materials available on the scanned copy of the record, as well as the evidence of the witnesses examined so far, it cannot be said that no prima-facie case has been made out against the present accused.

13. Merely because the charge-sheet has been submitted and the victim and the informant have been examined, the same cannot be a ground for releasing the accused on bail, while threat and intimation is looming large.

14. Under the given facts and circumstances, this Court is of the view that this is not a fit case where the privilege of bail can be granted. And accordingly, this Court is inclined to dismiss this application.

15. In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant