GAHC010163062026

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

Case No. : AB/1804/2026

DEBOBROT ALIAS DEBABRAT BORBORUAH
S/O- DIJEN BORBORUAH
VILL- BOHUPATHAR, P.S.- BIHPURIA, DIST.- LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:PROTIMA CHETRIYA (INFORMANT)
W/O BANAMALI CHETRIYA

VILL- 2 NO. SIMULGURI
P.S. BIHPURIA
DIST. LAKHIMPUR
ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, M. HOSSAIN,MR. SAYED SALIM AHMED

Advocate for the Respondent : PP, ASSAM, MR A KHANIKAR(R2)

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 06.10.2026

Heard Mr. M. Hussain, learned counsel appearing for the petitioner. Also

heard Mr. Bhaskar Sarma, the learned Additional Public Prosecutor appearing for the State of Assam as well as Mr. A. Khanikar, the learned counsel appearing for the respondent No.2.

2. This is an application under Section 482 of the BNSS, 2023 challenging in respect of Special (POCSO) Case No.44/2025 pending in the Court of the learned Special Judge (POCSO), Lakhimpur, North Lakhimpur.

3. The petitioner Debobrot @ Debabrat Borboruah has been shown the petitioner has been shown as an absconder in the charge sheet. He now apprehends that if he appears before the Court of the learned Special Judge (POCSO), Lakhimpur, he will be remanded to judicial custody because this Court has no jurisdiction to entertain his bail application.

4. The learned counsel for the petitioner submits that the petitioner should be given adequate opportunities to contest the case before the trial court.

5. I have considered the submissions made by the learned counsel of both sides.

6. This Court is of the opinion that since the petitioner wants to contest the case, he should be given adequate opportunities to that effect. Therefore, his bail application is allowed.

7. The petitioner Debobrot @ Debabrat Borboruah is directed to appear before the Court of the learned Special Judge (POCSO), Lakhimpur, North Lakhimpur in connection with Special (POCSO) Case No.44/2025 on 14th October 226. On his appearance, he shall be released on bail of ₹25,000/- (Rupees Twenty Five Thousand) with a surety of like amount to the satisfaction Special Judge (POCSO), Lakhimpur, North Lakhimpur.

8. The petitioner shall appear regularly on each and every date of hearing. If he fails to do so, the trial court shall have the liberty to procure his attendance in accordance with the procedures as laid down by law.

9. With the aforesaid direction, the bail application is disposed of.

JUDGE

Comparing Assistant