GAHC010170592026

2026:GAU-AS:15169

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

Case No. : AB/1906/2026

LAKHI BORGOHAIN
SON OF THANESWAR BORGOHAIN, RESIDENT OF VILL- MAHMORA DIGHALI, POLICE STATION- GHILAMARA, DISTRICT- LAKHIMPUR, ASSAM.

VERSUS

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

2:SMTI RUPA BORGOHAIN
WIFE OF SRI LOHIT BORGOHAIN
RESIDENT OF VILL- MAHMARA DIGHALI
POLICE STATION- GHILAMARA
DISTRICT- LAKHIMPUR
ASSAM

Advocate for the Petitioner : MR. P HAZARIKA, MR. H S BORAH,P. BORAH

Advocate for the Respondent : PP, ASSAM, MS S BARPUJARI (R-2)

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

08.10.2026

Heard Mr. H.S. Borah, learned counsel for the applicant; Mr. B. Sarma, learned Additional Public Prosecutor for the State, being respondent No. 1; and Ms. S. Barpujari, learned Amicus Curiae for the respondent No. 2.

2. Apprehending arrest in connection with **Special (POCSO) Case No. 47/2026**, arising out of Ghilamara PS Case No. 17/2026, under Sections 330/74 of the BNS, read with Section 8 of the POCSO Act, this application under Section 482 of the BNS, is preferred by applicant, namely, **Lakhi Borgohain**, for grant of pre-arrest bail.

3. It is to be noted here that aforementioned case has been registered on the basis of one FIR, lodged by one Ruma Borgohain (actual name withheld), on 12.04.2026.

3.1. The essence of allegation in the FIR is that on the night of 29.03.2024, at about 10.30 pm, the present applicant entered into the house of the victim Smti. 'X' (name withheld), aged 16 years and attempted to commit sexual intercourse with her.

4. Mr. Borah, learned counsel for the applicant, submits that after completion of investigation, the IO had submitted charge-sheet against the applicant. Mr. Borah further submits that the applicant is ready to face the trial and therefore, privilege of pre-arrest bail may be extended to him, as he apprehends that on his appearance before the learned trial court he may be remanded to jail hazot.

5. Per-contra, Mr. Sarma, learned Additional Public Prosecutor, submits that the IO has submitted charge-sheet showing the applicant as absconder. However, he submits that at this stage the applicant may be directed to appear before the learned trial court and to apply for regular bail.

6. On the other hand, Ms. Barpujari, learned Amicus Curiae for the respondent No. 2, has subscribed the submission of Mr. Sarma, learned Additional Public Prosecutor.

7. Having considered the submissions of learned counsel for both the parties

and also considering the facts and circumstances on the record, this Court is inclined to dispose of this petition by directing the applicant to appear before the learned trial court on 02.11.2026 and to apply for regular bail and in the event of filing such an application, the learned trial court shall consider the same in accordance with law.

6. It is further provided that in the event of arrest of the applicant, in connection with **Special (POCSO) Case No. 47/2026**, arising out of Ghilamara PS Case No. 17/2026, under Sections 330/74 of the BNS, read with Section 8 of the POCSO Act, he shall be enlarged on interim pre-arrest bail, on his executing a bond of Rs. 20,000/- only, with one surety of like amount to the satisfaction of the arresting authority.

7. The above privilege is, however, subject to the condition that the applicant shall appear before the learned trial court on 02.11.2026.

8. In terms of above, this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant