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

Case No. : Bail Appln./2394/2026

MAINUL HAQUE AND 2 ORS.
SON OF APIJUDDIN SHAIKH, RESIDENT OF VILLAGE SASTRAGHAT PART-II, P.S. AND DIST. DHUBRI, ASSAM

2: AMIR KHAN
SON OF APIJUDDIN SHAIKH
RESIDENT OF VILLAGE SASTRAGHAT PART-II
P.S. AND DIST. DHUBRI
ASSAM

3: SAHADAT ALI
SON OF KAMALUDDIN SHAIKH
RESIDENT OF VILLAGE SASTRAGHAT PART-II
P.S. AND DIST. DHUBRI
ASSA

VERSUS

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

2:RUMUNI KALITA
WIFE OF NRIPEN KALITA RESIDENT OF VILLAGE NANARA
P.O. AND P.S. BHAIHATA CHARIALIDIST. KAMRUP ASSAM
PIN 78138

Advocate for the Petitioner : MR. N J DUTTA, IMDADUL ISLAM,M RAHMAN,MR. M M ZAMAN,MR N AHMED

Advocate for the Respondent : PP, ASSAM, MR P J DUTTA(R2),MISS. J GOGOI(R2),MR B P BORAH(R2)

Linked Case : Bail Appln./2343/2026

SAHIDUL HOQUE
SON OF UJAJUDDIN SHAIKH
VILLAGE PATAMARI
P.S. AND DISTRICT BARPETA
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTERD BY THE PP
ASSAM

2:RUMUNI KALITA
WIFE OF NRIPEN KALITA
VILLAGE NANARA
P.O. AND P.S. BHAIHATA CHARIALI
DISTRICT KAMRUP
ASSAM
PIN 781381

Advocate for : MR. N J DUTTA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 02.11.2026

Since both the Bail Applications arise out of the same FIR, they are taken up together for disposal by this common order.

2. Heard Mr. N. J. Dutta, the learned counsel appearing for the petitioners. Also heard Mr. Bhaskar Sarma, the learned Additional Public Prosecutor appearing for the State of Assam as well as Mr. P.J. Dutta, the learned counsel appearing for the respondent No.2.

3. Both these Bail Applications are filed under Section 483 of the BNSS, 2023 in respect of Special (POCSO) P.S. Case No.07/2026 registered under Sections 75(2)/70(2)/62 of BNS,

2023 read with Section 10 of the POCSO Act, 2012 pending in the Court of the learned **Special Judge (POCSO), Kamrup, Rangia**.

4. The accused, namely, **Mainul Haque, Amir Khan, Sahadat Ali & Sahidul Hoque** are facing trial in Special (POCSO) P.S. Case No.07/2026 and they have completed about 1 (one) year of detention in custody. The victim girl has already been examined by the trial court.

5. I have gone through the evidence of the victim girl.

6. Mr. Dutta has submitted that though the allegation (s) under Section 10 of the POCSO Act, 2012 has/have been alleged against the petitioners, the victim girl was 14 years old at the time of occurrence and therefore, Section 10 of the POCSO Act, 2012 is not applicable in this case.

7. I have considered the submissions made by the learned counsel of both sides. I have also considered the materials available in the record.

8. This Court is of the opinion that the petitioners no longer deserve to be detained in custody. Therefore, their Bail Applications are allowed.

9. It is hereby directed that the petitioners, **Mainul Haque, Amir Khan, Sahadat Ali & Sahidul Hoque** are allowed to go on bail of 25,000/- each with sureties of like amount to the satisfaction of the learned **Special Judge (POCSO), Kamrup, Rangia**.

10. With the aforesaid direction, both the Bail Applications i.e. Bail Appln. No.2343/2026 and Bail Appln. No.2394/2026 are disposed of.

JUDGE

Comparing Assistant