GAHC010174292026

2026:GAU-AS:14796

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

Case No. : Bail Appln./2365/2026

MD INTAZUL HOQUE
SON OF LATE AZABUDDIN SHEIKH, RESIDENT OF VILLAGEBARAITARI, POLICE STATION- SUKCHAR, DISTRICT- SOUTH SALMARA MANKACHAR, ASSAM

VERSUS

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

2:SHADHAN BISWAS
SON OF LATE NANDA KUMAR BISWAS
RESIDENT OF VILLAGE-GOBINDAPUR
POST OFFICE GOBINDAPUR
POLICE STATION- GOALPARA
DISTRI- GOALPARA
ASSAM
PIN-783101

Advocate for the Petitioner : MR. M AHMED, MR A HAI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 05-10-2026

Heard M. Dutta, the learned Senior Counsel assisted by Mr. A. Hai, learned counsel appearing for the accused applicant. Also heard Mr. D. P. Goswami, learned

Additional Public Prosecutor for the State and Ms. P. Parasar, learned Amicus Curiae for the respondent No. 2.

2. This is an application under Section 483 of the BNSS, 2023, praying for grant of bail to the accused applicant in connection with Goalpara P.S. Case No. 112/2026, under Sections 87/64(1)/62 of the BNS, 2023 read with Sections 18/4/8 of the POCSO Act, 2012.

3. An FIR was lodged on 28.06.2026 by the informant, namely, *Sri Shadhan Biswas*, alleging, *inter alia*, that on 28.06.2026 at about 8:30 a.m., while his minor daughter, aged about 15 years, had gone to Kali Mandir to offer prayers, the accused person forcibly kidnapped his daughter from Bhalukdubi in his vehicle. As she did not return home, they tried to contact her on her mobile phone number, being 6002481749, however, the same was found to be switched off. Subsequently, at around 3:30 p.m., they received a phone call from Bishmur Police Station, Kokrajhar, informing them that the police had apprehended the accused person along with their daughter.

4. In terms of the aforesaid information, the police registered the Goalpara P.S. Case No. 112/2026 under the aforementioned sections. The accused applicant was arrested on 29.06.2026 and has been in custody since then.

5. Upon completion of the investigation, the charge-sheet in the instant case was filed on 10.08.2026 and the matter is presently pending consideration of charge.

6. Mr. Dutta, learned Senior Counsel appearing for the accused applicant, submits that the accused applicant has been wrongfully arrested as the accused applicant and the victim girl were known to each other and had mutually agreed to go to Saralpara and while proceeding there, they met with an accident. Accordingly, the police found both of them together and brought them to the police

station and thereafter, informed the parents of the victim girl. He submits that the FIR in the instant case was lodged subsequent to the recovery of the victim girl. He further submits that the statements of the victim girl recorded before the Police as well as before the learned Magistrate do not tally and that there are certain improvements in her statement recorded before the learned Magistrate.

7. Mr. Dutta, learned Senior Counsel for the accused applicant submits that the accused applicant is a young person who has been in custody for the last 99 (ninety nine) days. He submits that although Section 4 of the POCSO Act has been included in the charge-sheet, the ingredients of the said offence are not made out from the FIR or from the allegations made therein. In view of the aforesaid submissions, learned Senior Counsel submits that the accused applicant may be granted bail at this stage.

8. Mr. Goswami, learned Additional Public Prosecutor for the State, on the other hand, opposes the prayer for bail made on behalf of the accused applicant at this stage, submitting that the charges are yet to be framed.

9. Ms. P. Parasar, learned Amicus Curiae appearing for the respondent No. 2, has also opposed the prayer for bail made on behalf of the accused applicant and has supported the submissions advanced by the learned Additional Public Prosecutor.

10. The Trial Court Record in the instant case has been received and this Court has perused the same. This Court has also considered the submissions advanced by the learned counsel appearing for the respective parties.

11. It is seen that the charge-sheet has been filed on 10.08.2026 and the charges are yet to be framed.

12. Taking into account the statements of the victim girl and the materials available in the Trial Court Record, this Court finds that there are *prima facie*

materials against the accused applicant. Accordingly, at this stage, this Court is not inclined to grant any relief to the accused applicant.

13. Accordingly, the instant bail application stands rejected.

14. The Trial Court Record be sent back forthwith.

JUDGE

Comparing Assistant