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2026:GAU-AS:15035

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

Case No. : Bail Appln./2417/2026

ARIJIT DAS
S/O AJIT CH. DAS, R/O- CHURCH ROAD, JUNGLEE KALIBARI, P.S. LUMDING, DISTRICT - HOJAI, ASSAM. PIN- 782447.

VERSUS

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

2:ANUSHIKHA DEY
D/O- SANJIB DEY
R/O- KALIBARI ROAD
P.S.- LUMDING
PIN- 782447
DIST.- HOJAI
ASSAM. PHONE NO. 6001382410

Advocate for the Petitioner : MR. S C BISWAS, MS. U NANDA,MS A DAS,MR. BHASKAR ROY,MS. S. CHANDA

Advocate for the Respondent : PP, ASSAM, MS. H SARMA(R2),MR A U AHMED(R2)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 07-10-2026

Heard Mr. S. C. Biswas, the learned counsel appearing for the accused applicant. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for

the State and Mr. A. U. Ahmed, learned counsel appearing for the informant/respondent No. 2.

2. This is an application under Section 483 of the BNSS, 2023, praying for grant of bail to the accused applicants in connection with Lumding P.S. Case No. 100/2026 under Section 75(2) of the BNS, 2023 read with Sections 8/12 of the POCSO Act, 2012.

3. As per the allegations made in the FIR, the accused applicant touched the private parts of the informant during the DJ night held in the field of National School, Lumding. It is alleged that the accused applicant used to send obscene messages to the informant through Facebook Messenger and threatened and abused her by sending obscene messages. It is further alleged that the accused applicant had sent messages to the informant asking her to spend the night with him, for which he would pay her.

4. On the basis of the FIR, the police registered the Lumding P.S. Case No. 100/2026 under the aforementioned sections.

5. A coordinate Bench of this Court, vide order dated 03.09.2026, had granted bail to the accused applicant with a direction to the accused applicant to participate in the trial.

6. Mr. Biswas, learned counsel for the accused applicant, submits that the Charge-Sheet in the instant case has already been filed and that the accused applicant has appeared before the learned Trial Court. He further submits that 03.12.2026 has been fixed for framing of charges. He submits that, since the accused applicant is participating in the trial of the instant case, the interim bail granted to him may be made absolute.

7. On the other hand, Mr. Parasar, learned Additional Public Prosecutor for the

State, submits that there are sufficient materials against the accused applicant and therefore, his prayer for bail should not be granted.

8. Mr. Ahmed, learned counsel appearing for the informant/respondent No. 2, opposes the prayer for bail and prays for cancellation of the bail, submitting that the accused applicant is a habitual offender and that the informant was a minor girl at the time of the incident.

9. This Court has considered the submissions made by the learned counsel appearing for the parties and has also perused the materials available before this Court.

10. Taking into account the facts and circumstances of the case and considering the fact that the accused applicant has appeared before the learned Trial Court, this Court is of the considered view that the interim bail granted to the accused applicant is liable to be made absolute.

11. Accordingly, the interim bail granted to the accused applicant, vide order dated 03.09.2026, is hereby made absolute and the bail application stands disposed of.

JUDGE

Comparing Assistant