GAHC010175862026

2026:GAU-AS:15057

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

Case No. : Bail Appln./2442/2026

AMINUL ISLAM
S/O- ALI AKBAR MOULLANA RESIDENT OF VILL- PARER CHAR P.S.- ABHAYAPURI DISTRICT- BONGAIGAON ASSAM

VERSUS

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

2:OHED ALI MANDAL INFORMANT
S/O- LT. MOYAN MANDAL R/O VILL- TINKONIA PT-III P.S.- JOGIGHOPA DISTRICT- BONGAIGAON ASSA

Advocate for the Petitioner : MR. Z KHALID, MR. M H ALI,ARIF KHAN

Advocate for the Respondent : PP, ASSAM, MS B CHOUDHURY, Amicus Curiae, R2

BEFORE
HON'BLE MRS. JUSTICE SHAMIMA JAHAN
ORDER

07.10.2026

Heard Mr M H Ali, learned counsel for the petitioner. Also heard Mr D P Goswami, learned Additional Public Prosecutor for the State of Assam.

2. By this application, the petitioner has prayed for bail in connection with Jogighopa PS Case No. 109/2026, registered under Sections 3(5)/3(6)/3(7)/3(8)/61(2)/74/75/78/79/

118/126/131/133/351(3)/45/56/249/296 of the BNS, 2023, read with Sections 10/12/16/17/19/21 of the POCSO Act, 2012, read with Sections 75/82/87 of the Juvenile Justice Act, 2015.

3. The First Information Report in connection with which the petitioner was arrested on 17.07.2026, was lodged by the mother of one of the victim, stating *inter alia,* that the petitioner who is the teacher of a Madrassa located at Malegarh, used to torture and sexually harass the girl students studying therein. It is further stated that her daughter, on 13.07.2026, informed a senior student about the actions of the petitioner as well as about the fact that a phone number was given by the informant to her friend Aklima with a request to make video calls, the petitioner came to know and upon knowing the petitioner dragged her and had beaten her up, causing her injuries.

4. The learned counsel for the petitioner submits that the story narrated in the FIR is a concocted story and that none of the students have ever complained about the actions of the petitioner. He further submits that on completion of investigation, charge sheet was submitted and the case is at the appearance stage.

5. On the other hand, Mr D P Goswami, the learned Additional Public Prosecutor for the State, on perusal of the records, submits that there are witnesses, who had stated about the actions of the petitioner and that students of the said Madrassa had also stated that they were sexually harassed.

6. Ms A Choudhury, learned *Amicus Curiae* Ali has also stated that the students of Madrassa were although harassed by the petitioner, they, on the fear of the said petitioner, did not disclose the fact to anyone, more so, in view of the fact that the petitioner threatened them.

6. Upon consideration of the submissions made by the learned counsels, more so, in view of the fact that the petitioner has been inside the jail for the last 81 days, this Court deems it fit to release the petitioner on bail on furnishing bail bond of Rs. 20,000/-, with one local surety each to the satisfaction of the learned Special Judge, North Salmara,

Abhayapuri, under the following conditions:-

i) the petitioner shall appear before the concerned Court, as and when called for; without fail

ii) the petitioner shall not hamper and tamper with the evidence of the case, and/or influence the witnesses;

iii) the petitioner shall not leave their residence without prior permission of the Investigating Officer.

iv) the petitioner will not continue as a teacher in the said Madrassa or any other Madrassa, where girls students are there; and

v) the petitioner will not approach the students of the Madrassa at any point of time.

7. Bail Application stands disposed of.

JUDGE

Comparing Assistant