GAHC010179472026

2026:GAU-AS:14760

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

Case No. : AB/2027/2026

JAHIRUL ISLAM
SON OF AJGAR ALI, RESIDENT OF VILLAGE BURABURI, P.S. MAYONG, DISTRICT MORIGAON, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
TO BE REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM

2:MD GAJIBUR RAHMAN (INFORMANT)
SON OF LATE SAHAR ALI RESIDENT OF VILLAGE SIDHAGURI
P.S. MAYONG
DISTRICT MORIGAON
ASSAM-782411

Advocate for the Petitioner : MR. A R BHUYAN, MR. A SARIF,MS. R YASMIN,MR S ABDULLAH,MR N Z CHOUDHURY

Advocate for the Respondent : PP, ASSAM, MR. K M HALOI (R-2)

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

05.10.2026

Heard Mr. A. R. Bhuyan, learned Senior Counsel, assisted by Ms. R. Yasmin, learned counsel for the applicant and Mr. B. Sarma, learned Additional Public

Prosecutor for the State respondent.

2. This application, under Section 482 of the BNSS, 2023, is preferred by the applicant, namely, **Jahirul Islam**, who has been apprehending his arrest in connection with Mayong P.S. Case No. 32/2026, registered under Section 87 of the BNS, 2023, read with Section 6 of the POCSO Act, 2012, for grant of pre-arrest bail.

3. Mr. Bhuyan, learned Senior Counsel submits that the applicant is an accused in Mayong P.S. Case No. 32/2026, registered under Section 87 of the BNS, 2023, read with Section 6 of the POCSO Act, 2012, and after completion of investigation, the I.O. has submitted charge-sheet against the present applicant and upon the said charge-sheet, POCSO Case No. 73/2026, has been registered and the learned Special Judge (POCSO), Morigaon, has issued summon to the petitioner, fixing the matter on 12.10.2026.

3.1. Mr. Bhuyan further submits that the applicant is ready to face the trial and he will appear before the learned Trial Court on each and every date, and that he may be granted some protection till his appearance before the learned Trial Court, so as to enable him to appear before the learned Trial Court.

4. Per contra, Mr. Sharma, learned APP, submits that the petitioner may be directed to appear before the learned Trial Court on the date fixed and till then, some protection may be granted to him.

5. Accordingly, taking note of the submission of the learned counsel for the parties, this Court is inclined to dispose of this petition, by directing the

applicant to appear before the learned Special Judge (POCSO), Morigaon, on the date fixed, i.e., 12.10.2026, 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 till then, in the event of arrest of the applicant in connection with Mayong P.S. Case No. 32/2026, registered under Section 87 of the BNS, 2023, read with Section 6 of the POCSO Act, 2012, he shall be released on interim pre-arrest bail, on his executing a bond of Rs. 20,000/-, with one surety of like amount, to the satisfaction of the arresting authority.

7. The above privilege is however, subject to the following conditions –

(i) that the applicant shall appear before the learned Special Judge (POCSO), Morigaon, on 12.10.2026;

(ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

(iii) That the applicant shall not leave the jurisdiction of the learned Special Judge (POCSO), Morigaon, without prior permission.

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

JUDGE

Comparing Assistant