GAHC010179622026

undefined

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

Case No. : Bail Appln./2437/2026

JEHERUL ALI ALIAS KENTA ALIAS JAHUR ALI
S/O- ABDUL HUSSAIN, PERMANENT RESIDENT OF VILLAGE
-KHASABHUTTI, BESIMARI, PS-DALGAON, DIST- DARRANG, ASSAM,
PRESENTLY RESIDING AT KERAKUCHI, NEAR SACHAN, PO HATIGAON,PS
-HATIGAON, DIST.- KAMRUPM, ASSAM, PIN 781038.

VERSUS

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

2:JAHANGIR ALOM
S/O- AZIBAR RAHMAN
RESIDENT OF PRESENT ADDRESS BALIJAN PATH
PS HATIGAON
PO -HATIGAON
DISTKAMRUPM
ASSAM
PIN -78103

Advocate for the Petitioner : MR. J AHMED, R KHANOM,MR. R ISLAM,R BEGUM

Advocate for the Respondent : PP, ASSAM, MS T PARASHAR, AMICUS CURIAE R2

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 06-10-2026

Heard Mr. J. Ahmed, learned counsel for the accused applicant. Also heard Mr. M.P.

Goswami, learned Addl. P.P. Assam appearing for the State as well as Ms. T. Parashar, learned amicus curiae appearing for the respondent No. 2/ informant.

This is an application filed under Section 483 BNSS, 2023 praying for granting of bail to the accused applicant, in connection with Sessions (Special) Case No. 178/2025, registered under Section 87 BNS read with Section 4 of POCSO Act.

The gist of the allegation as narrated in the FIR dated 10-06-2025, lodged by the informant (victim's father) is that the victim girl, who is a minor had been missing at around 07:00 p.m. on 09-06-2025. Accordingly, the Police was intimated by the informant at Hatigaon Police Station, however, about 03:45 a.m. in the morning, his two neighbours, namely, Ramjan and Kader returned his daughter to him. On being asked, his daughter revealed that the accused applicant and one other co-accused forcebly took her with their 407 vehicle from Baliljan Path to a secluded place where the accused applicant had sexually assaulted and raped her. Thereafter, in the morning time she was dropped on the road by the accused applicant.

The learned counsel for the accused applicant submits that the accused applicant has been arrested on 13-06-2025 and for the last 487 days he is behind the bars. He further submits that out of the 11 witnesses named by the prosecution, 06 witnesses have already been examined before the trial court including the victim as well as the informant. He submits that the Forensic Report suggests negative result of presence of semen (spermatozoa) in the vaginal swab and undergarments of the victim. Therefore, he submits that since victim and the informant had already been examined and since the accused applicant is behind the bars for the last 487 days, the accused applicant should

be granted bail, at this stage.

Mr. M.P. Goswami, learned Addl. P.P. Assam, on the other hand, opposes the prayer for bail, by submitting that the trial is going on reasonable speed and it is expected to be completed soon. Therefore, the accused applicant should not be granted bail, at this stage.

Ms. T. Parashar, learned amicus curiae appearing for the respondent No. 2 supports the submissions made by the learned Addl. P.P. Assam. She further points out that in the statement of the victim it has been specifically stated that the victim's family members continuously getting threat from the family of the accused applicant.

The TCR is the instant case has been received and this Court perused the same. This Court also considered the submission made by the learned counsel for the parties. It is seen that the accused applicant was arrested on 13-06-2025 and the charge-sheet was filed on 30-07-2025, after completion of the investigation wherein 11 witnesses had been named by the prosecution. It is also seen that on 10-10-2025 charges were framed and thereafter, trial proceeded. Presently 06 witnesses out of 11 witnesses have already been examined.

This Court has also taken note of the depositions made by the witnesses, mainly, the informant, victim and the other relevant witnesses. It is seen that the trial is going on in a reasonable speed and it is expected to be completed soon, though in last few occasions, it is seen that none of the witnesses appeared for deposition before the trial court. However, taking note of the nature of crime and the statements made by the

informant that the victim's family still getting threat from the family members of the accused applicant, this Court is not inclined to grant any relief to the accused applicant, at this stage.

Accordingly, the instant bail application stands dismissed.

JUDGE

Comparing Assistant