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

Case No. : Bail Appln./2431/2026

SMTI RAKHI GOGOI
D/O LATE SHRI JADU GOGOI, R/O 1 NO. SIALEKHATI NEAR TRIBENI SCHOOL, GOLAGHAT, 785621

VERSUS

THE STATE OF ASSAM AND ANR
THROUGH THE PUBLIC PROSECUTOR, ASSAM

2:SMTI SUNMONI SAIKIA
W/O SHRI RAMEN SAIKIA
R/O NAOSOLIA PATHAR VILLAGE
NEAR TRIBENI SCHOOL
GOLAGHAT
78562

Advocate for the Petitioner : MR D BANERJEE, LEGAL AID COUNSEL

Advocate for the Respondent : PP, ASSAM, MS. M K BROWN, AMICUS CURIAE R2

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 06.11.2026

Heard Mr. D. Banerjee, learned counsel for the accused applicant. Also heard Mr. B. Sharma, learned Additional Public Prosecutor appearing for the state as well as Ms.

M.K. Brown, learned Amicus Curiae appearing for the respondent No.2.

2. This is an application under Section 483 read with Section 528 of the BNSS, 2023 whereby the petitioner, Smti. Rakhi Gogoi, has prayed for granting her bail after she was arrested in connection with Session Special POCSO Case No. 53/2025, arising from Golaghat P.S. Case No. 94/2025, registered under Section 61(2), 318(2), 64(1) of BNS, 2023, read with Section 4 of the POCSO Act, 2012.

3. The gist of the case, as alleged in the FIR dated 19.05.2025 lodged by the informant before the Officer-in-Charge of Golaghat Police Station, is that on 12.05.2025, the victim, who was residing at Tamuli House, Chandmari, Golaghat, was induced by the accused applicant to leave her accommodation at around 8:00 P.M. It is alleged that the accused applicant in conspiracy with other co-accused persons, namely, Shyamanta Bora and another person took the victim to a lodge, namely, Jonaki Bhavan, situated at College Tiniali, Golaghat. It is also alleged that after taking her to the lodge, she was kept in the lodge for the whole night and she was sexually exploited in the aforesaid lodge by the main accused.

4. On receipt of the FIR, police registered Golaghat P.S. Case No. 94/2025 and subsequently Charge-Sheet No. 113/2025 dated 28/7/2025 was filed. Presently the case is pending for evidence. The accused applicant was arrested on 20/5/2025 and since then she is behind bars.

5. The learned counsel appearing for the accused applicant submits that the accused applicant is a lady and she is behind bars for last 535 days. He submits that in the deposition of the victim girl before the trial Court, the victim girl has not stated anything against the accused applicant in the instant case. He further submits that other important witnesses have already been examined before the trial Court and since the accused applicant is in detention for a long period, the accused applicant should be granted bail at this stage. He further submits that the accused applicant's daughter has given birth to a child and she is yet to have a look at the child. He also

submits that since the victim has not made any allegations against the accused applicant as well as the informant and the other important witnesses have already been examined, this is a right case, where the accused applicant should be granted bail.

6. The learned counsel appearing for the accused applicant also submits that that co-accused in the same case has already been granted bail by a Coordinate Bench vide order dated 19/11/2026.

7. Mr. B. Sharma, learned Additional Public Prosecutor, on the other hand opposes the prayer of the bail, referring to the deposition made by the victim girl before the trial Court. He submits that from the deposition, it is clear that the victim girl has been pressurized and she was, in fact, unable to state due to apparent pressure she was having, which has been recorded in the deposition itself. He further submits that cross examination of the victim by prosecution and defence has been reserved and the same will be done shortly.

8. In view of the aforesaid as well as the gravity of the offence and the persons involved herein, he opposes the prayer of the bail of the accused.

9. Ms. M.K Brown, learned Amicus Curiae has also supported the submission made by the learned Additional Public Prosecutor and opposes the prayer of the bill.

10. This Court has considered the submissions made by the counsel appearing for the parties as well as perused the materials available in the Trial Court Record.

11. This Court has considered that the accused applicant is behind bars for 535 days. However, the offence involved in the instant case is a heinous crime and the victim girl is yet to be examined-cross-examined fully.

12. This Court has also taken into account the contents of the deposition made by the victim before the trial court.

13. Taking into account the entire facts of the case and materials available in the

Trial Court Record, this Court is not convinced to grant any relief to the accused applicant at this stage.

14. Accordingly, the instant bail application is rejected and dismissed.

JUDGE

Comparing Assistant