GAHC010185682026

2026:GAU-AS:14968

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

Case No. : Bail Appln./2510/2026

DILBOR ALI
SON OF OMAR ALI, RESIDENT OF WARD NO. 10, P.S. GAURIPUR, DISTRICT DHUBRI, ASSAM, PIN CODE 783331

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:MAHABUB HOSSAIN
SON OF LATE ABDUL WAHED
RESIDENT OF VILLAGE SOULMARI PT-II
P.S. DHUBRI
DISTRICT DHUBRI
ASSAM
PIN CODE 783334

Advocate for the Petitioner : MR. B K MAHAJAN, MR. N MAHAJAN,MS. S PHUKAN,MR S RAHMAN,MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM, MR SARFRAZ NAWAZ

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date : 06-10-2026

Heard Mr. A. Choudhury, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor appearing for the State of Assam and Ms. T. Parasar, learned Amicus Curiae representing the respondent No. 2.

2. This is an application under Section 483 of the BNSS, 2023, whereby the petitioner, namely, Dilbor Ali has prayed for releasing him on bail after he was arrested on 18.06.2026 in connection with Special (POCSO) Case No. 148/2026 registered under Sections 75(2)/351(3) of BNS, 2023 read with Section 10 of the POCSO Act, pending before the learned Additional Sessions Judge cum Special Judge (POCSO), Dhubri arising out of Gauripur Police Station Case No. 171/2026.

3. The facts as projected by the petitioner is that one Mahabub Hossain, Principal of P.S. Institution H.S. School, Gauripur lodged a FIR before the O/c. Gauripur Police Station on 18.06.2026 stating that, on 17.06.2026, he received verbal complaints from a group of 8 girl students of his school regarding inappropriate behavior of Sri Dilbari Ali, Assistant Teacher of the school. They also informed that one girl of Class IX also remains absent for harassment by Sri Dilbar Ali, During inquiry, it was found that, one girl of Class Ms. Jesmin Khatun, age 16 years has been from school for same reason. The victim Jesmin Khatun gave statement before the informant that his colleagues, female teachers who are in Girls Security Committee on good touch and bad touch that Sri Dilbar Ali has been harassing her for a long period since she was in Class VI by touching her private parts. She further stated that, about 1 year, 5 months ago, Dilbar Ali came to her residence knowing her parents were absent and asked her to draw the curtains, close the door which she refused and after which he left. The

informant immediately intimated the higher authority, who visited the school in person, recorded verbal statements of victim, informant, female teachers and the accused teacher and advised him to lodge FIR. Accordingly, after receiving of the written FIR, a case has been registered vide Gauripur PS Case No. 171/2026 under Section 74 BNS, r/w Section 10 of POCSO Act.

4. The petitioner was arrested on 18.06.2026 and subsequently, the investigation was completed and charge-sheet was submitted, whereafter the trial has proceeded. And by now, all the prosecution witnesses have been examined, and the case is fixed for defense statement on 07.10.2026.

5. Learned counsel for the petitioner submits that since the prosecution evidence has been completed and the petitioner intends to adduce defense evidence, it is necessary that he be released on bail so that he can effectively prepare his defense.

6. On the other hand, learned Addl. PP points out that an earlier bail application on behalf of the petitioner was rejected by this Court by order dated 13.08.2026 passed in Bail Appl. No. 2096/2026 after considering the material on record, and that the allegations are of a serious nature. It was observed by this Court that it would not be appropriate to release the petitioner on bail at that stage. It is also noted in the said order that five witnesses have so far have been examined as on the date of that order, and at that stage the petitioner had spent less than 60 days in custody.

7. Since all the prosecution witnesses have been examined, it appears that there is no scope for influencing the witnesses at this stage, and there appears to be force in the submission of learned counsel for the petitioner that the petitioner is also required to prepare for his defense.

8. Having regard to the nature of the allegations and the period of detention of 110 days, and the fact that the prosecution evidence has also been completed, as well as the aforesaid submissions of the learned counsel for the petitioner, I am inclined to release the petitioner on bail at this stage.

9. Accordingly, it is directed that the petitioner shall be released on bail of Rs. 50,000/-(Rupees fifty thousand) only with two sureties of like amount to the satisfaction of the learned Trial Court on the condition that-

1) The petitioner shall not misuse the liberty of bail granted to him in any manner, and

2) The petitioner shall cooperate with the trial of the case by regular appearance.

10. The Bail Application stands allowed and disposed of accordingly.

JUDGE

Comparing Assistant