GAHC010189412026

2026:GAU-AS:16583

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

Case No. : Bail Appln./2584/2026

ASADUL HOQUE
S/O MD. MOINUL HOQUE, R/O VILL- NO. 2, KUMOLIA, P.O.- PANIBHORAL, P.S.- BISWANATH CHARIALI, DIST- BISWANATH, ASSAM, PIN- 784176

VERSUS

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

2:JOYNAL ABDIN
S/O LATE SURUJ ALI
R/O NO. 1 CHALIA CHAPARI
P.O.- PANIBHORAL
P.S.- BISWANATH CHARIALI
DIST- BISWANATH
ASSAM
PIN- 78417

Advocate for the Petitioner : MR. M K HUSSAIN, MR. M ALOM,MS. F H AHMED,MRS. S Y AHMED

Advocate for the Respondent : PP, ASSAM, B DAS(R2),MR. A M AHMED(R2)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 12.11.2026

Heard Mr. M. K. Hussain, learned counsel for the accused applicant. Also heard Mr. B. Sarma, learned Additional Public Prosecutor appearing for the State of Assam and Mr. A. M. Ahmed, learned counsel for the respondent No.2.

2. This is an application filed under Section 483 of the BNSS, 2023 praying for grant of bail to the accused applicant namely **Asadul Hoque** in connection with Sessions (POCSO) Case No. 14/2026 arising out of Biswanath Chariali Police Station Case No. 107/2026 registered under Sections 140(3)/70(2) of BNS, 2023 read with Section 6 of the POCSO Act, 2012.

3. An FIR was lodged on 25.05.2026 before the Officer-In-Charge, Biswanath Chariali Police Station, Biswanath Chariali by the informant namely, Md. Joynal Abdin alleging that his minor daughter was missing from home since 23.05.2026. On the next date he got an information that his daughter was in Biswanath Chariali Police Station. On reaching the Police Station, he came to know that his daughter was taken by 1. Jiabur Islam, 2. Asikul Ali, 3. Jamil Haque, 4. Jamar Uddin and 5. Saiful Hussain, and thereafter, committed gang rape on her alongwith some other persons. She was rescued by the villagers of No.2 Kumolia village when she was found lying on a paddy field.

4. On receipt of the FIR, the police registered the Biswanath Chariali Police Station Case No. 107/2026 under the aforementioned sections.

5. The charge sheet in the instant case has been filed on 25.07.2026, however, the charges are yet to be framed in the instant case.

6. Mr. M. K. Hussain, learned counsel for the accused applicant submits that since the accused applicant is behind bars for last 168 days and many of the co-accused persons are absconding, the completion of trial is not expected within a reasonable time and therefore, the accused applicant should be granted bail at this stage.

7. Trial Court Records of the instant case has been received and perused the same.

8. Mr. B. Sarma, learned Additional Public Prosecutor appearing for the State of Assam has opposed the prayer for bail stating that heinous crime of gang rape has been committed upon a minor and the charges are yet to be framed in the instant case and therefore no bail at this stage may be granted. Mr. A. M. Ahmed, learned counsel representing the respondent No.2 has also supported the submission made by the learned Addl. P.P in the instant case.

9. This Court has considered the submissions made by the learned counsel appearing for the respective parties and have gone through the materials available in the Trial Court Records.

10. Taking into account the entire facts of the case as well as the fact that charge-sheet has been filed only on 25.07.2026 and charges are yet to be framed, this Court is not inclined to grant relief to the accused/applicant at this stage. Accordingly, the prayer for bail stands rejected.

11. In terms of the above, the instant bail application is dismissed.

JUDGE

Comparing Assistant