GAHC010189652026

2026:GAU-AS:15098

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

Case No. : Bail Appln./2669/2026

DHARMARAJA DOLEY
S/O - SRI RAJEN DOLEY, R/O NAHAR BANDANA, P.S.-JONAI,
DISTDHEMAJI, ASSAM

VERSUS

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

2:GIRISH MOHAN PEGU
SON OF SRI KRISHNA PD. PEGU
R/O- NAMKIR
DEKAPAM
P.S. SIMEN CHAPORI
DIST- DHEMAJI
ASSASM PIN - 78706

Advocate for the Petitioner : MR T GOGOI, D.N. DASS

Advocate for the Respondent : PP, ASSAM, MS. P SAHARIA, Amicus Curiae, R2

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

07.10.2026

Heard Mr. T. Gogoi, learned counsel for the accused; Mr. B. Sarma,

learned Additional Public Prosecutor for the State, being respondent No. 1; and Ms. P. Saharia, learned Amicus Curiae for the respondent No. 2.

2. This application, under Section 483 of the BNSS, is preferred by accused, namely, **Dharmaraja Doley**, who has been languishing in jail hazot in connection with Special POCSO Case No. 30/2026, pending before the Court of learned Sessions Judge cum Special Judge (POCSO), Dhemaji, arising out of Simen Chapori PS Case No. 14/2026, under Section 64(1) of the BNS, read with Section 6 of the POCSO Act, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR, lodged by Madan Pegu (actual name withheld) on 26.05.2026.

3.1. The essence of allegation in the FIR, dated 26.05.2026, is that in the month of January, 2026, his niece, namely, Smt. 'X' (name withheld), aged 16 years, diagnosed with Dhatu Rog (Night Fall) and accordingly, the victim's mother called one BEJ (traditional medicine practitioner), namely, Sri Dharamraja Doley @ Raja Doley of Nahar Bandana, Jonai, for treatment and accordingly, he provided traditional treatment. But, on 25.05.2026, the victim noticed bleeding from her private part and lateron, she was taken to Dhemaji Civil Hospital for treatment and on being asked, the disclosed that the said BEJ, in the month of January, 2026, took her inside the house and forcefully committed sexual intercourse with her, when no one was present in the house. Moreover, the said accused used to call the victim outside the house by pretending to deliver the medicine and thereby, he established physical relation with her on several occasion at several locations (Ruksin, Laimekuri). Later on, she suspected that she is pregnant and then she informed the BEJ about the same and thereafter, he provided her abortion

pills and after consumption of the same, she started bleeding from her private part..

4. Mr. Gogoi, learned counsel for the accused, submits that after completion of the investigation, the IO had submitted charge-sheet before the learned trial court and during the investigation the IO had collected DNA report, but the said report has not supporting the prosecution case. Mr. Gogoi also pointed it out that there is contradiction in the statement of the victim girl, recorded under Sections 180 and 183 of the BNSS and as such, her version is not at all believable. Mr. Gogoi further also submits that the accused is behind the bar since 26.05.2026, and that he will face the trial and will appear before the learned trial court regularly and therefore, Mr. Gogoi has contended to allow this petition.

5. Per-contra, Mr. Sarma, learned Additional Public Prosecutor for the State respondent, has vehemently opposed the petition. He submits that the IO had collected sufficient incriminating materials against the accused and that the offences are grievous in nature and material witnesses are yet to be examined and as such, this is not a fit case where the privilege of bail can be granted to the accused.

6. Ms. P. Saharia, learned Amicus Curiae for the respondent No. 2, also vehemently opposed the petition. She submits that though some contradictions are there in the statement of the victim girl, recorded under Section 180 and 183 of the BNSS, yet such contradictions are minor in nature and the same are not sufficient to spell inveracity to the version of the victim. Ms. Saharia further submits that the evidence of the victim girl is yet to be recorded by the learned trial court and if the accused is enlarged on bail, at this stage, there is possibility of influencing the witnesses and

therefore, she has contended to dismiss this petition.

7. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the petition as well as the documents placed on record and also perused the scanned copy of the record received from the learned trial court.

8. It appears that having found prima-facie materials against the accused, the IO had submitted charge-sheet against the present accused. Further, the trial is yet to start and the evidence of the informant and the victim girl, who are the material witnesses herein this case are yet to be recorded. That being so, this Court is of the view that if the accused is enlarged on bail at this stage, the possibility of influencing the witnesses cannot be ruled out.

9. Further, the contradictions so pointed out in the statement of the victim girl cannot be appreciated at this stage. In bail petition, the Court is only entitled to look into the prima-facie case, not entitle to appreciate the evidence. Further, the value of DNA report is only corroborative in nature and moreover, the said report is yet to be exhibited and proved.

10. Under such circumstances, this Court is of the view this is not a fit case where the privilege of bail can be granted to the accused. And accordingly, this petition stands **dismissed**.

JUDGE

Comparing Assistant