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

Case No. : Bail Appln./2704/2026

HABIJUL ISLAM
SON OF BUDDHU MIYA, RESIDENT OF VILLDIGIRPAM, BAGHBOR, BARPETA, P.- DIGHIR PAM, P.S- BAGHBOR, DIST.- BARPETA, PIN. 781308 ASSAM

VERSUS

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

2:PALLAB BARKAKATI (INFORMANT)
SON OF LATE ANANDA BARKAKATI RESIDENT OF VILLAGE- KAMDEWAL
GOHPUR
P.S- BISWANATH
DISTBISWANATH
ASSAM
PIN- 78416

Advocate for the Petitioner : MR. R K NATH, MR. S D ROY,MR. N K KALITA

Advocate for the Respondent : PP, ASSAM, MS A BORAH

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 05.11.2026

Heard Mr. R. K. Nath, learned counsel for the accused/applicants. Also

heard Mr. K.K. Parasar, learned Additional Public Prosecutor appearing for the State of Assam and Ms. A. Borah, learned Amicus Curiae for 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 **Habijul Islam,** in connection with Gohpur Police Station Case No. 88/2026 registered under Sections 74/75(2)/78(2) of BNS, 2023 read with Section 8 of the POCSO Act, 2012.

3. The allegations as alleged in the FIR dated 24.06.2026 lodged by one Pallab Borkakati before the Officer-in-Charge, Hawajan Police Station, stating *inter alia* that on 24.06.2026 at about 3.30 p.m when his minor daughter aged about 13 years was riding her bicycle, the accused person came behind her and on the pretext of repairing her cycle, touched the minor girl inappropriately.. The victim girl thereafter went to the informant and disclosed the facts to him.

4. On receipt of the FIR, the police registered the Gohpur Police Station Case No. 88/2026 under the aforementioned sections.

5. After investigation police filed the charge-sheet on 31.07.2026 and presently, the matter is pending for evidence.

6. The learned counsel appearing for the accused/applicant submits that the accused/applicant is not involved in any kind of inappropriate touching of the victim girl. He submits that the accused/applicant is behind bars for 129 days and on the last 4 occasions, neither the informant nor the victim girl has appeared before the Trial Court, which has delayed the proceeding. In view of the above, he submits that he accused/applicant should be granted bail in the instant case.

7. The TCR in the instant case has been received and the same is perused.

8. Mr. K.K. Parasar, learned Additional Public Prosecutor appearing for the State of Assam, on the other hand, opposes the prayer for bail stating that there are sufficient materials against the accused/applicant in the records.

9. Ms. A. Borah, learned Amicus Curiae for respondent No.2 has also opposed the prayer for bail.

10. This Court has gone though the materials available in the TCR and has also considered the submissions made by the learned counsel appearing for the respective parties.

11. Taking into account the materials available in the TCR, this Court is not inclined to grant relief to the accused/applicants at this stage. Accordingly, the prayer for bail stands rejected.

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

JUDGE

Comparing Assistant