GAHC010198332026

2026:GAU-AS:15034

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

Case No. : Bail Appln./2750/2026

RAKIBUL ISLAM
S/O ABDUL LATIF, R/O VILLAGE JAHURPAM,
P.S. BARPETA, DISTRICT BARPETA, ASSAM.

VERSUS

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

2:SAIFUL ISLAM
S/O SALAM
R/O VILLAGE JONIA
P.S. BARPETA
DISTRICT BARPETA ASSAM

Advocate for the Petitioner : MR. R ALI, MR H A AHMED

Advocate for the Respondent : PP, ASSAM, MRS. S KHATANIAR, Amicus Curiae, R2

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 07.10.2026

Heard Mr. H. A. Ahmed, the learned counsel for the accused applicant. Also heard Mr. M. P. Goswami, the learned Additional Public Prosecutor for the State as well as Mrs. S. Khataniar, learned Amicus Curiae for the respondent No. 2.

2. This is an application under Section 483 of the BNSS, 2023, praying for granting

bail to the accused applicant, namely, Rakibul Islam, in connection with Special POCSO Case No. 57/2026 under Section 87/3(5)/64 BNS, read with Section 4 of the POCSO Act.

3. An FIR was lodged on 07.05.2026 before the Officer-in-Charge of Howly Police Station by the informant Saiful Islam, alleging that at around 9 a.m., his sister-in-law, aged about 17 years, went out from her house to Baniharpara College. It is alleged that the accused person Nos. 1, 2 & 3 named in the FIR kidnapped her and took her to an unknown place by an unknown vehicle. When the victim girl did not return home till 5 p.m., the informant along with other family members searched her and from reliable sources, it was found that the accused person Nos. 1, 2 & 3 confined the victim girl in the house of the accused No. 4. It is also alleged that the informant along with her mother-in-law went to the house of the accused No. 4 and recovered the victim girl from there. It is alleged that the accused No. 1 had committed physical relationship with the victim girl forcefully.

4. On receipt of the FIR, police registered Howly P.S. Case No. 65/2026 under the aforementioned section.

5. After the completion of the investigation, the charge sheet was filed on 31.06.2026 and subsequently the charges were framed on 24.07.2026 and presently the matter is pending for evidence, which is fixed on 15.10.2026.

6. The learned counsel for the accused applicant submits that there is no allegation against the accused applicant under the POCSO Act in the instant case. He submits that only on suspicion, the accused applicant has already been arrested and since 23.05.2026, the accused applicant is behind bars. He submits that no offence has been committed by him, which is apparent from the FIR itself. He submits that no

offence under the POCSO Act has been committed by the accused applicant, which is apparent from the FIR itself. Therefore, bail should be granted to him at this stage.

7. On the other hand, the learned Addl. Public Prosecutor opposes the prayer of bail and the learned counsel for the respondent No. 2 submits that since the accused applicant is also friend of the main accused, the accused applicant should not be granted bail at his stage.

8. This Court has heard the submissions made by the learned counsel for the parties and perused the TCR, which has been received.

9. A perusal of the TCR and in consideration of the submissions made by the learned counsel for the parties, this Court is of the opinion that the accused applicant should be granted bail.

10. Accordingly, it is directed that the accused applicant should be released forthwith from jail on furnishing a bail bond of **Rs.30,000/-** with a surety of like nature to the satisfaction of the learned **Special Judge (POCSO), Barpeta,** subject to the condition that the accused applicant shall appear before the learned Trial Court as and when required.

11. In terms of the aforesaid direction, the instant bail application is disposed of.

12. Send back the TCR.

JUDGE

Comparing Assistant