GAHC010201462026

2026:GAU-AS:15471

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

Case No. : Bail Appln./2760/2026

ASRAFUL HOSSAIN PRADHANI ALIAS ASHRAFUL HOSSAIN PRODHANI
ALIAS ASRAFUL HUSSAIN PRADHANI
S/O MOZAMMEL HAQUE PRADHANI, R/O VILL TUMNI KAWHAGI, PS
SOUTH SALMARA, DIST SOUTH SALMARA MANKACHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
TO BE REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM

2:DILRUBA YASMIN KOLI
C/O PRINCIPAL
KASTURBA GANDHI BALIKA VIDYALAYA
KGBV
SOUTH SALAMARA
PS SOUTH SALAMARA
DIST SOUTH SALAMARA MANKACHAR
ASSAM

3:REHMA PARBEEN
C/O PRINCIPAL
KASTURBA GANDHI BALIKA VIDYALAYA
KGBV
SOUTH SALAMARA
PS SOUTH SALAMARA
DIST SOUTH SALAMARA MANKACHAR
ASSAM

4:WAHIDA KARIM
C/O PRINCIPAL
KASTURBA GANDHI BALIKA VIDYALAYA
KGBV
SOUTH SALAMARA
PS SOUTH SALAMARA
DIST SOUTH SALAMARA MANKACHAR
ASSAM

5:MAHATUBA BEGUM
C/O PRINCIPAL
KASTURBA GANDHI BALIKA VIDYALAYA
KGBV
SOUTH SALAMARA
PS SOUTH SALAMARA
DIST SOUTH SALAMARA MANKACHAR
ASSA

Advocate for the Petitioner : MR SARFRAZ NAWAZ, A MISHRA,MR. SURAJIT DAS,MD A RAHMAN,MR A W AMAN

Advocate for the Respondent : PP, ASSAM, MR. C SHARMA, Amicus Curiae, R2

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

13.10.2026

Heard Mr. S. Das, learned counsel for the accused; Mr. P.S. Lahkar, learned Additional Public Prosecutor for the State, being respondent No. 1; and Mr. C. Sharma, learned Amicus Curiae for the respondent No. 2.

2. This bail application, under Section 483 of the BNSS, is preferred by the accused, namely, **Asraful Hossain Pradhani @ Ashraful Hossain Prodhani @ Asraful Hussain Pradhani**, who has been languishing in jail hazot since 13.08.2026, in connection with **South Salmara PS Case No. 128/2026**, under Section 74/75/77/78/351(2)/308(2) of the BNS and Section 8 of the

POCSO Act, pending before the court of learned Special Judge, POCSO, South Salmara Mankachar, 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 Dilruba Yasmin Koli, Warden cum Superintendent of KGVB South Salmara, along with three other staff, on 11.08.2026.

3.1. The essence of allegation in the FIR, dated 11.08.2026, is that one Ashraful Hossain Prodhani, Chowkidar cum Mali of KGVB South Salmara is engaged in misconduct, character assassination, mental harassment, blackmailing and sexual assault against female staff members and students of the institution and the said fact come to information through consistent and credible reports from the victims, without disclosing the identity of any specific victim or the date, time or particulars of any specific incident.

4. Mr. Das, learned counsel for the accused, submits that the accused was arrested on 13.08.2026 and since then he has been languishing in jail hazot for last 62 days. Mr. Das further submits that, in the meantime, investigation has been completed and the IO had submitted charge-sheet against the accused person. Mr. Das also submits that the accused is ready to face trial and will appear before the learned trial court on each and every date and that there is also unlikelihood of influencing the witnesses since he has been suspended from the institution by the authority. Mr. Das also submits that the IO has not issued notice under Section 35(3) of the BNSS to the accused and under such circumstances, Mr. Das has contended to allow this petition.

5. Per-contra, Mr. Lahkar, learned Additional Public Prosecutor, has vehemently opposed the petition and submits that the present accused is

involved in subjecting the students of said institution to sexual assault and harassment and blackmailing and that if he is enlarged on bail at this stage, the possibility of influencing the witnesses cannot be ruled out. Mr. Lahkar further submits that issuance of notice under Section 35(3) of the BNSS is not necessary when the IO decided cause arrest of the accused. And under such, circumstances, Mr. Lahkar has contended to dismiss this petition.

6. On the other hand, Mr. Sharma, learned Amicus Curiae for the respondent No. 2, has also opposed the petition and submits that the offences are serious in nature and the present accused is a habitual offender and he may repeat the same in the event of releasing him on bail and therefore, Mr. Sharma 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 the IO had submitted charge-sheet against the accused after collecting sufficient incriminating materials against him, under Section 74/75/77/78/351(2)/308(2) of the BNS and Section 8 of the POCSO Act and the victim girls have clearly implicated him with the offence alleged in the FIR.

9. Further, it appears from the forwarding report that the IO had formed an opinion genuinely that arrest of the accused is necessary under section 35(1) of the BNSS in the case, especially in Clause No. 3 that if released, the accused may abscond, tamper with evidence, influence or intimidate witnesses and may again indulge in similar offence thereby hampering the fair course of investigation. And in that view of the matter non-issuance of notice under

Section 35(3) of the BNSS is not mandatory.

10. Further, it appears that the offences are serious in nature and that the accused is habituated to the aforementioned offences and therefore, 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