GAHC010201492026

2026:GAU-AS:15038

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

Case No. : Bail Appln./2785/2026

HIM ADHIKARY
S/O SUBHAS ADHIKARY,
R/O VILL NACHONKUTI PT I,
PS AND DIST BONGAIGAON, ASSAM

VERSUS

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

2:GITANJALI DEVI
W/O RAJESH DEV
R/O VILL DHALIGAON BARPATHAR
PS AND DIST BONGAIGAON ASSA

Advocate for the Petitioner : MR. N J DUTTA, MR. B HUSSAIN,MR. A A MONDAL,MR A ALAM,MR R A AHMED

Advocate for the Respondent : PP, ASSAM, MR. S M H ISLAM(R2),MRS R BEGUM(R2)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 07.10.2026

Heard Mr. N. J. Dutta, the learned counsel for the accused applicant. Also heard Ms. A. Begum, the learned Additional Public Prosecutor for the State as well as Ms. R. Begum, learned counsel appearing for the respondent No.2.

2. This is an application under Section 483 of BNSS, 2023 praying for granting bail to the accused applicant, namely, **Him Adhikary**, in connection with **Bongaigaon P.S. Case No. 190/2026** under Sections **137(2)/64(2)** of the BNS, 2023 read with Section **4** of the POCSO Act.

3. Notice in the instant case has been issued to respondent No.2 and the respondent No. 2 has been represented by the learned counsel.

4. An FIR was lodged on 30.08.2026 by the informant before the Officer-in-Charge, New Bongaigaon Police Station that on 28.08.2026 at around 6 p.m., her 17 years old daughter went missing and upon enquiry, they came to learn that the accused applicant had enticed her minor daughter and thereafter wrongfully confined her inside his house and committed rape upon her.

5. On receipt of the FIR, police registered Bongaigaon P.S. Case No. 190/2026 under the aforementioned sections. Charge sheet in the instant case is yet to be filed.

6. The learned counsel appearing for the accused applicant submits that the accused applicant and the alleged victim girl were in a love relationship for last 4 years and as such, there was no requirement for the accused applicant to abduct her. He submits that there was no rape committed by the accused applicant upon the victim girl. He further submits that the accused applicant and the family of the victim girl got together and they have realized that the instant FIR has been filed due to certain misunderstanding and in fact, no rape has been committed by the accused applicant. He submits that the informant and the victim girl are present in the Court today and they are full of remorse that the FIR has been wrongly filed. He submits that taking into account the entire

facts of the case, the prayer for bail of the accused applicant should be granted.

8. The learned Addl. Public Prosecutor has also submitted that it seems that the FIR has been filed due to certain misunderstanding. The learned counsel for the respondent No. 2 submits that the FIR has been filed mistakenly for certain misunderstanding and in fact, there was no rape committed upon the informant's daughter by the accused applicant.

9. Taking into account the entire facts of the case and since the learned counsel for the informant has specifically made a submission before this Court that in fact, the FIR was filed due to certain misunderstanding and no rape has been committed, this Court is of the considered opinion that the accused applicant shall 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.20,000/-** with a surety of like nature to the satisfaction of the learned **Special Judge, Bongaigaon,** subject to the condition that the accused applicant shall participate during the trial.

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

12. Send back the TCR.

JUDGE

Comparing Assistant