GAHC010203652026

2026:GAU-AS:16585

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

Case No. : Bail Appln./2783/2026

MANIK BAISHYA
SON OF KAMAL BAISHYA, RESIDENT OF- KADAMTALA, POLICE STATION- BARBARI, DISTRICT- BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

2:SRI SUKLESWAR BAISHYA
SON OF LT. MONORANJAN BAISHYA
RESIDENT OF- KADAMTALA
POLICE STATION- BARBARI
DISTRICT- BAKSA
ASSAM

Advocate for the Petitioner : MR. R K PRADHAN, MR. A K SAIKIA

Advocate for the Respondent : PP, ASSAM, MS T PARASHAR, AMICUS CURIAE R2

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 12.11.2026

Heard Mr. A. K. Saikia, learned counsel for the accused applicant. Also heard Mr. B. Sarma, learned Additional Public Prosecutor appearing for the State

of Assam and Ms. T. Parashar, learned Amicus Curiae appearing for the 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 **Manik Baishya** in connection with Special (POCSO) Case No. 17 of 2026 registered under Sections 64(1) (m) of the BNS, 2023 read with Section 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

3. An FIR was lodged on 27.02.2026 by one, Kamaleswar Baishya before the Officer-In-Charge of Barbari Police Station alleging inter alia that on 31.01.2026 his minor daughter took poison and she was admitted to Sarathi Hospital, Nalbari and thereafter she was taken to Gauhati Medical College and Hospital, Guwahati. It is alleged that one Manik Baishya of village Kadamtala was in a relationship with his daughter for 6/7 months. However, on 03.02.2026 the aforesaid Manik Baishya got married to another girl. It is alleged that on 30.01.2026 the accused applicant namely, Manik Baishya took her under a tree in a nearby field and he had established physical relationship with her. It is alleged that due to becoming mentally sad she tried to commit suicide by taking poison.

4. On receipt of the FIR, the police registered the Barbari Police Station Case No.04/2026 under the aforementioned sections.

5. The learned counsel for the accused/applicant submits that the accused/applicant is behind bars for 254 days and charges are yet to be framed. He submits that the accused applicant and the minor girl was having a love affair and due to his physical disability the family members of the victim girl did

not want her to marry the accused applicant. In view of the aforesaid, the accused applicant has already got married to another girl on 03.02.2026. He submits that due to the aforesaid incident of his marriage with another girl, the victim tried to commit suicide. The victim girl is already recovered and he does not have any involvement in her attempt to suicide as alleged in the FIR. And therefore, he submits that since the accused is already behind bar for a long period of 254 days and there is no offence made out from the FIR itself, the accused/applicant should be granted bail at this stage.

6. Mr. B. Sarma, learned Additional Public Prosecutor appearing for the State of Assam has opposed the prayer for bail. Ms. T. Parashar, learned Amicus Curiae appearing for the respondent No.2 has also supported the submission made by the learned Addl. P.P in the instant case.

7. TCR of the instant case has been received and perused the same.

8. Taking into account the materials available in the case dairy as well as the fact that the accused/applicant is behind bars for 254 days, this Court is of the considered opinion that the accused/applicant named above should be released on bail. Accordingly, it is directed that the accused/applicant shall be released on bail on furnishing bail bond of Rs.50,000/- (Rupees fifty thousand) only with one surety of like nature to the satisfaction of learned Special Judge (POCSO), Baksa, Mushalpur subject to the following conditions:-

(i) That the accused applicant shall appear in the trial and make himself available as and when required;

(ii) That the accused applicant shall not try to contact any of the family members of the informant till the conclusion of

the trial.

(iii) That the accused applicant shall not try to influence any of the witnesses that may be involved in the instant case or tamper or hamper with the trial, in whatsoever manner.

9. In terms of the above, the instant Bail Application is allowed and disposed of.

JUDGE

Comparing Assistant