GAHC010207132026

2026:GAU-AS:15165

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

Case No. : AB/2337/2026

SANJAB ALI ALIAS SANJAP ALI
S/O- LT. JURAN ALI, VILLAGE- GHILAGURI, P.S. AND DIST.- BONGAIGAON, ASSAM.

VERSUS

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

2:KURMAN ALI MANDAL
S/O LT. AFSAR ALI R/O VILL. ULUBARI P.S. BASUGAON DIST. CHIRANG ASSA

Advocate for the Petitioner : MR. M I HUSSAIN, R KHA,MS. P AHMED

Advocate for the Respondent : PP, ASSAM, MS. R BORAH, AMICUS CURIAE (R2)

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

08.10.2026

Heard Mr. M. I. Hussain, learned counsel for the applicant and Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent No. 1. Also heard Ms. R. Borah, learned counsel for the respondent No. 2.

2. This application, under Section 482 of the BNSS, 2023, is preferred by the applicant, namely, **Sanjab Ali @ Sanjap Ali**, who has been apprehending his arrest in connection with Basugaon P.S. Case No. 19/2026, registered under Sections 126(2)/137(2)/64(1) of the BNS, 2023, read with Section 4 of the POCSO Act, 2012.

3. It is to be noted here that the above noted case has been registered on the basis of one FIR lodged by one Abdul Ali Mondal (actual name withheld), on 23.08.2026.

4. The essence of allegation in the FIR, dated 23.08.2026, is that on 11.07.2026, one Mofidul Islam had kidnapped the minor daughter of the informant and took her outside the state and there, established physical relationship with her. And after 20 days, he returned with her and kept her at his uncle's house at Dogasipara. Thereafter, on 09.08.2026, the accused left the victim girl at Basugaon Thana Chariali and later on, from the victim girl, the informant came to know that one Sanjab Ali, the present applicant, knows about the kidnapping of the victim girl and he happens to be a relative of the accused.

5. Mr. Hussain, learned counsel for the applicant submits that if any offence against the applicant is made out, it is under Section 19 of the POCSO Act, for not reporting the matter of kidnapping of the victim by the accused, and the same is punishable under Section 21 of the said Act, and that the punishment prescribed for the said offence is only 6 (six) months. And rest of the offences are not attracted against the present applicant. He also submits that the applicant is ready to cooperate with the investigating agency and under such circumstances, he has contended to allow this application.

6. Per contra, Mr. Sarma, learned APP for the respondent No. 1, by producing the case diary before this Court, submits that the I.O. has collected some materials in support of the allegations made in the FIR against the present applicant, in respect of assisting the main accused in kidnapping the victim girl, and under such circumstances, he has contended to dismiss this application.

7. Ms. Borah, learned counsel for the respondent No. 2 submits that the applicant herein had assisted the main accused in kidnapping the victim and under such circumstances, she has contended to dismiss this application.

8. Having heard the submissions of the learned counsel for both the parties, this Court has carefully gone through the application and the documents placed on record and also perused the case diary with the assistance of the learned Additional Public Prosecutor.

9. In view of the materials collected so far in the case diary and in view of the allegations against the present applicant, this Court is of the view that custodial interrogation of the applicant is not warranted in the interest of investigation and accordingly, this Court is inclined to allow this application.

10. It is provided that in the event of arrest of the applicant in connection with Basugaon P.S. Case No. 19/2026, registered under Sections 126(2)/137(2)/64(1) of the BNS, 2023, read with Section 4 of the POCSO Act, 2012; he shall be released on pre-arrest bail, on his executing a bond of Rs. 20,000/- with one surety of like amount, to the satisfaction of the arresting authority.

11. The above privilege is however, subject to the following conditions –

(i) that the applicant shall make himself available for interrogation by the Investigating Officer as and when required;

(ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

(iii) that the applicant shall not leave the jurisdiction of the learned **Special Judge (POCSO), Chirang, Kajalgaon**, without prior permission.

12. The case diary be returned.

JUDGE

Comparing Assistant