GAHC010215042026

2026:GAU-AS:16586

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

Case No. : Bail Appln./3004/2026

HIRAJUL ALI AND ANR
S/O- MD. HASEN ALI, RESIDENT OF- VILL.- PACHIM CHANDMARI, P.S. NORTH LAKHIMPUR, DIST. LAKHIMPUR, ASSAM.

2: FARIDUL ALI

S/O- MD. JALIL ALI
RESIDENT OF- BANTOW TOWN
P.S. NORTH LAKHIMPUR
DIST. LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, GAUHATI HIGH COURT.

2:SRI RAJ MAHAL KALANDI
S/O- LATE KARMA KALANDI
RESIDENT OF- HARMOTI BAGAN
8 NO. LINE
P.S. LALUK
DIST. LAKHIMPUR
ASSAM
PIN-784160

Advocate for the Petitioner : MR. M M ZAMAN, MR. Z H BORA

Advocate for the Respondent : PP, ASSAM, MR. MASUM ALAM(R2)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 12.11.2026

Heard Mr. M.M. Zaman, learned counsel, appearing on behalf of the accused-applicants. Also heard Mr. B. Sarma, learned Addl. P.P., representing the State respondent and Mr. M. Alam, learned counsel, appearing for the respondent no. 2.

2. This is an application under Section 483 of the BNSS, 2023, praying for granting bail to the accused-applicants in connection with Special (POCSO) Case No. 97/2026 (arising out of North Lakhimpur P.S. Case No. 217/2026), pending before the learned court of Special Judge (POCSO), Lakhimpur, North Lakhimpur, registered under Sections 3(5) of BNS, 2023, read with Section 17 of the POCSO Act, 2012.

3. On the basis of an FIR dated 09.07.2026, lodged before the Officer In-charge of Silonibari Police Outpost by the complainant, with the allegations that one person, namely, Md. Nizamul Islam had developed a love relationship with his minor sister and thereafter, luring her, took her to a homestay, wherein the accused person established sexual relationship with his minor sister. It is also alleged that while the minor girl was about to be taken to Arunachal Pradesh, the local public caught the accused person along with the minor victim girl and handed over them to Silonibari Police.

4. On receipt of the FIR, the police registered North Lakhimpur P.S. Case No. 217/2026, under the aforementioned Sections. Charge-sheet in the instant matter has been filed and thereafter, Special (POCSO) Case No. 97/2026 has been registered against the main accused person, namely, Md. Nizamul Islam and the other accused-applicants. The matter is pending at the appearance stage.

5. The learned counsel appearing for the accused-applicants submits that the accused-applicant no. 1 is the Caretaker and accused-applicant no. 2 is the Manager of the aforesaid homestay, wherein the main accused person, namely, Md. Nizamul Islam and the minor girl stayed. The learned counsel submits that with proper verification, the accused-applicants had allowed the main accused person and the minor girl to stay in the said homestay. They are not involved in any kind of conspiracy with the main accused person for commission of any offence as alleged in the FIR. The learned counsel submits that though they were very much present in their respective places, the police never enquired about them nor they have been asked for any kind of police investigation. He submits that on information received about filing of charge-sheet, they appeared on the scheduled date before the Trial Court, however, the learned Trial Court had remanded them to judicial custody. In view of the aforesaid, he submits that since the accused-applicants are willing to cooperate and appear before the Trial Court, they should be released on bail.

6. Mr. B. Sarma, learned Addl. PP, has pointed out that Section 35 BNSS notice has been served upon the accused-applicants and they have appeared before the Investigating Officer. However, the learned Addl. PP opposes the prayer of bail at this stage.

7. This court has heard the submissions made by the respective counsel appearing for the parties and also perused the TCR that has been received.

8. Taking into account the entire facts of the case as well as on perusal of the statements of the victim girl under Section 183 of the BNSS, this court is of the prima facie opinion that the accused-applicants should be granted bail at this stage. Accordingly, it is directed that the accused-applicants shall be released immediately on bail, on furnishing of a bail bond of Rs. 50,000/-(Rupees Fifty Thousand) each, with one surety of like nature to the satisfaction of learned Special Judge (POCSO),

North Lakhimpur, subject to the following conditions:

(1) That the accused-applicants shall submit details of their Aadhaar cards, PAN cards, to the learned Special Judge (POCSO), North Lakhimpur;

(2) That the accused-applicants shall cooperate with the investigation and shall appear before the Trial Court as and when required;

(3) That the accused-applicants shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts before the Investigating Authority or the Trial Court.

9. In terms of the above, the instant bail application is disposed of.

JUDGE

Miriam Degu
(SPA)