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

Case No. : Bail Appln./3128/2026

PRASENJIT GHOSH
SON OF LATE TAPAN KUMAR GHOSH, RESIDENT OF NORTH BONGAIGAON, WARD NO.08, BONGAIGAON P.O.-NORTH BONGAIGAON, P.S.-BONGAIGAON, DIST-BONGAIGAON, ASSAM,PIN-783380

VERSUS

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

2:JONALI ROY
WIFE OF CHITRA CHOUDHURY
RESIDENT OF DEOHATI PART-1
P.S.- ABHAYAPURI
DIST- BONGAIGAON
ASSAM
PIN-78338

Advocate for the Petitioner : MR P P MEDHI, MS. U ROY,MR G BARGAYARY,MAYURI GOGOI

Advocate for the Respondent : PP, ASSAM, MS A PAYENG(R2),MS. SUSMITA DOLEY(R2),MS. N S RAJKHOWA(R2),I GOGOI(R2),MR J PAYENG(R2)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 16.11.2026

Heard Mr. B.K. Mahajan, learned counsel for the accused applicant. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor appearing for the State as well as Mr. D. Uprety, learned counsel appearing on behalf of Mr. J. Payeng, learned counsel 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, **Prasenjit Ghosh,** in connection with Bongaigaon P.S. Case No. 205/2026 under Sections 96/127(4)/143(5)/64(1)/65(1)/3(5) of BNS, 2023 read with Section 6/7 of the POCSO Act, 2012.

3. An FIR was lodged on 07.09.2026 by one Jonali Roy and others before the Officer-in-Charge, Bongaigaon Police Station, alleging, *inter alia*, that on 06.09.2026, at around 5:00 p.m., they were informed by the parents of a minor girl that several minor girls were being held captive at Brahmaputra Hotel, located at Chapaguri Road, opposite Axis Bank, and were being sexually assaulted and harassed.

4. It is alleged that, upon receiving such information, the informants, on behalf of Vishwa Hindu Parishad (Bajrang Dal), went to Brahmaputra Hotel, located at Chapaguri, and found that four minor girls were locked inside a room.

5. On being asked, they came to know that the girls were minors, aged about 14, 16 and 17 years, respectively, with two of them being 17 years old.

6. It is further alleged that the accused No. 1, namely, Anthony Hussain, had trafficked the girls from Kokrajhar and Chirang on 27.08.2026 and had kept them confined and exploited them by exposing them to various customers for sexual favours. It is alleged that the accused No. 2, namely, Prasenjit Ghosh, is the owner of the hotel, and accused No. 3, Biman Dey, is the manager of the said hotel. They allegedly provided special rooms for such activities for their personal and financial gains.

7. It is stated that, upon being informed, the police rescued the girls from the hotel and arrested accused Nos. 2 and 3. However, accused No. 1 managed to escape from the place.

8. On receipt of the FIR, police registered Bongaigaon P.S. Case No. 205/2026 under the aforementioned Sections.

9. The learned counsel appearing for the accused applicant submits that the accused applicant was arrested on 07.09.2026 and since then he is behind bars.

10. The learned counsel for the accused applicant submits that the applicant is the son of the owner of the hotel and, in fact, the hotel was being run by his father, who expired some time ago. He further submits that the accused applicant is a medical representative and remains busy with his profession and, as such, has no day-to-day involvement in the conduct or management of the hotel. He submits that although his name has been mentioned in the FIR, there is no allegation of commission of any sexual offence against the accused applicant in the instant case. He also submits that Section 21 of the POCSO Act has not been invoked in the instant case. He further submits that the accused applicant was arrested on 07.09.2026 and has been behind bars for the last 70 days.

Therefore, he submits that the accused applicant should be granted bail as his further detention in the instant case may not be required.

11. On the other hand, the learned Additional Public Prosecutor opposes the prayer for bail of the accused applicant, stating that the accused applicant is the son of the owner of the hotel and, therefore, he must have been aware of the incident that occurred in the hotel.

12. Mr. D. Uprety, learned counsel for the respondent No. 2, supports the submissions made by the learned Additional Public Prosecutor and opposes the prayer for bail, stating that the accused applicant is also liable, as he facilitated the commission of the offence in the hotel.

13. The case diary has been received and the same has been perused.

14. This Court has heard the submissions made by the learned counsel for the respective parties as well as minutely perused the materials available in the case diary.

15. Taking into account the materials available in the case and also having regard to the fact that the accused applicant is not the actual owner of the hotel and is engaged in the profession of a medical representative, as evident from the materials available on record, this Court is of the considered opinion that the accused applicant deserves to be enlarged on bail.

16. Accordingly, it is directed that the accused applicant named above shall be released on bail on furnishing bail bond of Rs.50,000/- with two sureties of like nature to the satisfaction of jurisdictional Court, Bongaigaon subject to the following conditions:-

(i) the accused applicant cooperate with the investigation and make himself available as and when called for;

(ii) the accused applicant shall not try to keep in touch with any of the victim girls or their families in the instant case;

(iii) 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 investigation whatsoever manner.

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

17. Return the case diary.

JUDGE

Comparing Assistant