GAHC010216702026

2026:GAU-AS:16185

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

Case No. : Bail Appln./3028/2026

UBAIDULLAH ALIAS ABAIDULLAH RABBANI
S/O-NAZRUL ISLAM VILL 1 NO. GAGALMARI PS MAYONG, DIST. MORIGAONASSAM-782121

VERSUS

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

2:AIJUL HOQUE (INFORMANT)
S/O LATE SAMSUL HUDA VILL 1 NO. GAGOLMARI PS MAYONG
DISTRICT - MORIGAON
ASSAM

Advocate for the Petitioner : S K PODDAR, MR. S PAUL,R MANDAL,MR. R GHOSH

Advocate for the Respondent : PP, ASSAM, MR. S BISWAS,MR A ALAM,MR R A AHMED,MR. A A MONDAL

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 04.11.2026

Heard Mr. S.K. Poddar, learned counsel, appearing on behalf of the accused-applicant. Also heard Mrs. A. Begum, learned Addl. P.P., representing the State

respondent as well as Mr. I.A. Ahmed, learned counsel for the informant.

2. This is an application under Section 483 of the BNSS, 2023, praying for granting bail to the accused-applicant in connection with POCSO Case No. 108/2026 (arising out of Mayong P.S. Case No. 49/2026), registered under Sections 137(2)/3(5) of BNS, read with Section 6/17 of the POCSO Act.

3. The gist of the case is that an FIR was lodged on 15.06.2026, before the Officer-in-Charge, Mayong PS by the informant, alleging that three (3) named accused persons, on 14.06.2026, kidnapped his daughter and thereafter, taking her to the embankment near Borbari Bazar, the accused no. 1 raped his daughter. It is alleged that in the commission of the rape, the other accused persons also helped the accused no. 1 by keeping an eye if anybody is coming.

4. On receipt of the FIR, the police registered Mayong Police Station Case No. 49/2026 under the aforementioned sections.

5. The learned counsel appearing for the accused-applicant submits that the accused-applicant is a young boy of 20 years of age and there is no allegation of any sexual assault by him, though Section 17 of the POCSO Act has been invoked. He further submits that the main accused in the instant case has already been granted bail by a coordinate bench of this Court. In view of the aforesaid, he submits that the accused-applicant should be granted bail.

6. TCR in the instant case has been received and the same is perused.

7. Ms. A. Begum, learned Addl. PP, on the other hand, opposes the prayer of bail of the accused-applicant. Mr. I.A. Ahmed, learned counsel for the informant, submits that he does not have any objection in granting bail to the accused-applicant.

8. Taking into account the entire facts of the case and the TCR available in the matter as well as the fact that the main accused in the instant case had already been

granted bail by a coordinate bench of this court, this court is of the considered view that the accused-applicant should be released on bail at this stage. Accordingly, it is directed that the accused-applicant shall be released on bail on furnishing a bail bond of Rs. 50,000/- (Fifty Thousand) with two sureties of like nature, to the satisfaction of the learned Special Judge (POCSO), Morigaon, subject to the conditions that the accused-applicant shall regularly appear before the trial court as and when required and shall not tamper with the evidence nor hamper the trial in any manner whatsoever.

9. In terms of the above, the instant bail application stands disposed of as allowed.

JUDGE

Miriam Degu
(SPA)