GAHC010219982026

2026:GAU-AS:17457

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

Case No. : Bail Appln./3193/2026

RAHUL SAHA
S/O LT. BIRJU SAHA, R/O DOKMOKA, W/NO. 4, P.O. P.S. DOKMOKA,
DISTRICT KARBI ANGLONG, PIN 782441, ASSAM,

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE L.P.P., ASSAM.

2:MISS ANITA GOUR
D/O LT. BINU GOUR
VILL. DENTAGHAT
P.S. SAMELANGSO
PIN 782441
DISTRICT KARBI ANGLONG
ASSAM

Advocate for the Petitioner : MR. A BARUAH, MR. J P MORE

Advocate for the Respondent : PP, ASSAM, MRS. S KHATANIAR, AMICUS CURIAE R2

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 25.11.2026

Heard Mr. A. Baruah, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State and Mrs. S.

Khataniar, learned Amicus Curiae for respondent no.2.

2. Invoking 483 BNSS, the petitioner, namely, **Rahul Saha**, is seeking regular bail in connection with POCSO Case No. 21/2026 (arising out of Dokmoka P.S. Case No. 03/2026) u/s 64(2)(f)/64(2)(m)/65(1) of BNS, 2023 r/w 6 of POCSO Act, 2012.

3. He was arrested on 11.03..2026.

4. The allegation in the FIR dated 10.3.2026 is that the informant's daughter, who was staying at the house of the accused as domestic help, was subjected to sexual relationship by the petitioner, resulting in her pregnancy. Thereafter, she was provided some medicines to abort the same.

5. Investigation resulted in a charge sheet, registration of the aforesaid case, which is poised at the state of trial, as the case is fixed for prosecution evidence after framing of charge on 26.5.2026. However, the statement of the girl is available in the scanned TCR.

6. In her statement, she stated about going to the house of the accused with the consent of her mother to work as domestic help on monthly remuneration. She stated that the petitioner's wife had left him for another relationship, and thereafter, he expressed his desire to marry her, whereupon victim girl agreed. It is stated that thereafter they had a physical relationship, leading to her pregnancy. However, she stated that when she told him about her pregnancy, he abused her, gave her medicines for abortion and later in the village meeting he refused to marry her.

7. The learned counsel has drawn attention to the medical document

where her marital status is indicated as married and her age is indicated at the time of her examination there was no subsisting pregnancy and her age is indicated as above 16 years and below 18 years.

8. The learned Additional Public Prosecutor submits that at the time of the alleged incident, the victim was a minor and that her testimony has also not been recorded. The learned *Amicus Curiae* also submits on similar lines, adopting some of the submissions of the prosecution.

9. Some of the narration in the statement of the girl recorded before learned JMFC has already been stated. The aspect of margin of error with regard to age indicated in medical examination also has to be kept in mind. The learned counsel for the petitioner has submitted that after framing of charge, 3(three) dates have already elapsed, but the victim has not appeared to give evidence. The learned counsel refers to the decision of *P. Yuvaprakash vs. State represented by Inspector of Police, reported in (2024) 17 SCC 684*, to contend that the only a transfer certificate might have been seized in the instant case, which should not be relied upon regarding the age of the victim.

10. Considering various aspects of the matter, as indicated above, including the length of detention, though the prosecution evidence has not started, I am of the considered view that in the circumstances of this case, the petitioner can be granted bail at this stage.

11. Accordingly, the accused-petitioner, named above, shall be released on bail in connection with POCSO Case No. 21/2026 (arising out of Dokmoka P.S. Case No. 03/2026) u/s 64(2)(f)/64(2)(m)/65(1) of BNS, 2023 r/w 6 of

POCSO Act, 2012, on furnishing bail bond of **Rs.50,000/-** with one suitable surety of the like amount to the satisfaction of learned Special Judge, POCSO, Karbi Anglong, Diphu.

12. The direction for bail is further subject to the conditions:

(a) That the petitioner shall not abscond;

(b) That the accused shall available for trial;

(c)That the petitioner shall be available for the trial;

(d) That the petitioner shall not try to influence witnesses;

(e) That the petitioner shall not in any manner intimidate or harass or harm the informant/victim or her family members.

13. Violation or breach of any condition(s) shall entail cancellation of bail.

14. The bail application stands allowed and disposed of.

JUDGE

Comparing Assistant