GAHC010221422026

2026:GAU-AS:16376

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

Case No. : Bail Appln./3197/2026

ROHIT MANDAL
S/O BISHAL MANDAL, RESIDENT OF POWER HOUSE, P.S. - BHAGADUTTAPUR OP UNDER DISPUR POLICE STATION, DISTRICT - KAMRUP(M), ASSAM. PIN- 781019

VERSUS

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

2:NIRMALI KALITA
W/O BIPUL KALITA
RESIDENT OF POWER HOUSE
BISHNU MANDIR PATH
KAHILIPARA, P.O. - KAHILIPRA
P.S. BHAGADUTTAPUR OP
DISTRICT - KAMRUPM
ASSAM. PIN-781019

Advocate for the Petitioner : MR. K M HASSAN, MR. N K HALOI,T ISLAM

Advocate for the Respondent : PP, ASSAM, MISS R A CHOUDHURY(R2),MISS S ZAMAN(R2),MR E AHMED(R2)

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

06.11.2026

Heard Mr. K.M. Hassan, learned counsel for the accused. Also heard Mr. D.P.

Goswami, learned Additional Public Prosecutor, Assam, appearing for the State respondent No.1 and Ms. R.A. Choudhury, learned counsel for the respondent No.2.

2. This bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is preferred by the accused, namely, Rohit Mandal, who has been languishing in jail hazot since 02.04.2026, in connection with Sessions (Special) Case No.82/2026, under Section 87/64(2)m of BNS, 2023 read with Section 6 of the POCSO Act, pending before the Court of learned Additional Sessions Judge cum Special Judge (POCSO), Kamrup(M), Guwahati, arising out of Dispur P.S. Case No.182/2026, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR, lodged by one Banamali Kalita (actual name withheld), on 01.04.2026. The allegation in the FIR, dated 01.04.2026, is that on that day, at about 4:30 p.m., her daughter went missing from her home and on inquiry, she came to know that her daughter is residing with a boy, namely, Rohit Mondal and accordingly, she rescued her and came to know that Rohit on numerous occasion committed physical relation with her.

4. Mr. Hassan, learned counsel for the accused submits that the accused was arrested on 02.04.2026 and since then he has been languishing in jail hazot and that there was affairs between the accused and the victim and that in the meantime, after completion of investigation, charge-sheet has been submitted and charge has been framed and out of 9 witnesses cited in the charge-sheet, 2 have been examined and during examination, the victim turned hostile and not supporting the prosecution case and that the accused is ready to face trial and will appear before the learned Trial Court on each and every date and therefore, he has contended to allow this application.

5. Per contra, Mr. Goswami, learned Additional P.P. has opposed the petition. He submits that the offences are serious in nature and out of 9 witnesses cited in the

charge-sheet, only 2 are examined and the informant of the case is yet to be examined and if the accused is enlarged on bail at this stage, the possibility of influencing the witnesses cannot be ruled out and under such circumstances, he has contended to dismiss the petition.

6. Ms. Choudhury, learned counsel for the respondent No.2 also submits that she has no objection in the event of granting the accused on bail.

7. Having heard the submission of learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record.

8. It appears that out of 9 witnesses cited in the charge-sheet, 2 have been examined till date. The informant is yet to be examined. Though the victim turned hostile during her examination before the Court, yet, having gone through her entire evidence and the materials collected on record, it cannot be said that no prima facie case is made out against the present accused. Moreover, the informant is yet to be examined and the possibility of influencing the witnesses cannot be ruled out at this stage. And in that view of the matter, this Court is of the view that this is not a fit case, where the privilege of bail can be granted to the accused and accordingly, the bail application stands dismissed.

9. However, the learned Trial Court is requested to expedite the trial and to complete the same as soon as practicable.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant