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

Case No. : Bail Appln./3205/2026

SANIDUL ALI @ SANIDUL ISLAM
S/O CHAIJUDDIN, VILL- KATALA PATHAR, P.O.- CHAPAR BARI, P.S.- PATACHARKUCHI, BARPETA, ASSAM

VERSUS

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

2:SANIARA KHATUN (INFORMANT)
W/O ABJAL HUSSAIN
R/O HATIRTARI
P.S.- SARTHEBARI
DIST- BARPETA
ASSA

Advocate for the Petitioner : MR. I A HAZARIKA, MR. SAYED SALIM AHMED

Advocate for the Respondent : PP, ASSAM, MS P SAIKIA(R2),MR P CHOUDHURY(R2)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 19.11.2026

Heard Mr. I.A. Hazarika, learned counsel for the accused applicant. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor appearing for the State as well

as Mr. P. Choudhury, 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, Sanidul Ali @ Sanidul Islam**,** in connection with Special (POCSO) Case No.45/2026 under Section 87/65(1) BNS r/w Section 6 of POCSO Act, arising out of Sarthebari P.S. Case No. 31/2026 under Section 140(3)/65(1)/115(2)/351(2)/351(3) of BNS r/w Section 6 of POCSO Act.

3. The prosecution case, in brief, is that on 02.05.2026, at around 4:00 p.m., the informant's minor daughter, aged about 15 years, went out to collect some clothes from a tailor. While she was returning, the accused applicant allegedly forcefully took her to Rangia. It is alleged that the accused applicant confined her in a room and committed rape upon her. It is further alleged that the accused applicant threatened her with dire consequences if she discloses the incident to anyone.

4. It is alleged that on the following day, i.e., on 03.05.2026, at around 7:00 p.m., the victim girl was dropped at a shop in the market, from where she telephoned the informant, who thereafter, brought her back home.

5. On the basis of the said FIR, the police registered Sarthebari P.S. Case No. 31/2026 under the aforementioned sections.

6. Upon completion of the investigation, the police filed the charge-sheet, and the matter is presently pending for recording of evidence.

7. The learned counsel for the accused applicant submits that the accused applicant has been behind bars for more than five months and that the trial has not yet commenced. He further submits that the families of the accused applicant and the victim girl have decided that the accused applicant should marry the victim girl. Accordingly, an affidavit has been executed by the informant stating that the accused applicant and his daughter were in a love relationship and that, considering the relationship, both families have arrived at a settlement to arrange the marriage of the informant's daughter with the accused applicant after she attains majority.

8. Therefore, he submits that, since the family of the victim girl has decided to arrange her marriage with the accused applicant, there is no possibility of conviction of the accused applicant in the instant case. He further submits that, from the aforesaid facts, it is apparent that both the accused applicant and the victim girl were in a love relationship and that there was no forceful sexual intercourse involved in the instant case.

9. Accordingly, he submits that considering the entire facts and circumstances of the matter, as well as the length of detention and the pendency of the trial, the accused applicant may be enlarged on bail at this stage. He further submits that, as there is presently no sitting of the trial Court, the trial is likely to take considerable time.

10. The TCR has been received and the same has been perused.

11. The learned Additional Public Prosecutor opposes the prayer for bail, submitting that the allegation of rape of a minor is a heinous offence and since none of the witnesses has yet been examined before the learned trial Court, the accused applicant should not be granted bail at this stage.

12. Mr. P. Choudhury, learned counsel for the informant, submits that he has no objection if the prayer for bail is allowed.

13. Taking into account the facts and circumstances of the case, as well as the submission that the families of the victim girl and the accused applicant have arrived at a settlement to arrange the marriage of the victim girl with the accused applicant after she attains majority, this Court is of the view that the accused applicant may be enlarged on bail.

14. Accordingly, it is directed that the accused applicant named above shall be released on bail on furnishing bail bond of Rs.50,000/- with one surety of like nature to the satisfaction of learned Special Court, POCSO, Barpeta, subject to the following conditions:-

(i) the accused applicant shall appear before the trial Court as and when required;

(ii) the accused applicant shall not hamper or tamper with the evidence of the instant case in whatsoever manner;

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

JUDGE

Comparing Assistant