GAHC010222802026

2026:GAU-AS:15091

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

Case No. : Bail Appln./3160/2026

SAMSUL ALOM
S/O LATE SUKUR ALI, R/O VILL PUB PADOGHAT, PS DHOLA, DIST DARRANG

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:SHRI BISWAJIT KALITA
MEMBER OF CWC
GOALPARA
SO LATE NABIN CHAUDRA KALITA
RO DUDHNOI
PS DUDHNOI
DIST GOALPARA
ASSAM
PIN 78310

Advocate for the Petitioner : MR. D K BAGCHI,

Advocate for the Respondent : PP, ASSAM, MR A SHARMA(R2)

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

07.10.2026

Heard Mr. D.K. Bagchi, learned counsel for the accused and Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 483 of the BNSS, is preferred by the accused, namely, **Samsul Alom**, who has been languishing in jail hazot since 25.06.2026, in connection with Paltanbazar P.S. Case No. 166/2026, under Section 123/127(4)/143(5)/144(1)/351(3)/65(1)/96 of the BNS, read with Section 6 of the POCSO Act, read with Sections 3/4/5/6 of the IT Act and also read with Sections 75/77/79/81 of JJ Act, 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 Ranjit Kalita (name withheld) of New Dudhnoi, under Dudhnoi Police Station of Goalpara, on 20.06.2026.

3.1. The essence of allegation, in the FIR, dated 20.06.2026, is that the informant was informed on 28.05.2026, by the Officer-in-Charge of the Goalpara Sadar Police Station that a minor girl, namely, Smt. X (name withheld), aged 15 years, resident of Owguri Pahar, Bapuji Nagar, Tezpur, had came from Guwahati along with Smt. Bipuna Rabha, a resident of Kharmuja, Goalpara and taken shelter in Kharmuja village. Then, the Child Welfare Committee, Goalpara, had taken custody of the girl and recorded her statement and she reveals that in absence of her parents,

she used to stay with her maternal uncle and aunt and due to ill treatment, she left home to find a job and arrived at Fancy Bazar, in Guwahati, and while searching for work, she met an individual, namely, Biki Ali, who promised her to provided a job at a beauty parlour in Ulubari. And arriving at Ulubari, he taught her the beauty parlour works and from the second day, Biki Ali, gave her injection and fed her intoxicating substances with rice and daily Biki Ali sent male person to her room and forced her to have sexual intercourse with that person and she was confined in that house by Biki Ali for approximately 15 days and about 40 nos. of girls staying on the upper floor of the said building and when the customer comes, the girls were asked to stand in line and if anybody makes objection, then that girl was threatened to be killed and that the victim girl is now being kept at the "Saktishdhan" State Home, located at Bapuji Nagar, Goalpara.

4. Mr. Bagchi, learned counsel for the accused, submits that this is the second bail application preferred by the accused on the ground that some facts have not been taken into consideration while passing the earlier order, dated 24.09.2026, passed in Bail Application No. 2680/2026. Mr. Bagchi further submits that on that date, Mr. A. Sharma had entered appearance for the respondent No. 2 as engaged counsel, but he has been shown as an amicus. Mr. Bagchi also submits that some of the facts stated in paragraph No. 8 are not borne out of the record and that the accused do not know accused Biki Ali and that one of the accused has been granted bail and under such circumstances, he has contended to re-consider the bail application of the accused.

5. Per-contra, Mr. Borthakur, learned Additional Public Prosecutor for the State respondent, has opposed the petition being the grounds assigned are not justifiable.

6. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the petition as well as the documents placed on record and also perused the earlier order of this Court dated 24.09.2026, passed in Bail Application No. 2680/2026.

7. Notably, while dealing with successive bail application, Hon'ble Supreme Court in the case of **Kalyan Chandra Sarkar vs. Rajesh Ranjan @ Pappu Yadav & Anr.**, reported in **(2005) 2 SCC 42**, Hon'ble Supreme Court has held as under

(i) An accused has a right to make successive applications for grant of bail.

(ii) However, the court entertaining such subsequent bail applications has a duty to consider the reasons and grounds on which the earlier bail applications were rejected.

(iii) In such cases, the court also has a duty to record what are the fresh grounds which persuaded it to take a view different from the one taken in the earlier applications.

(iv) Successive applications cannot be entertained on the same grounds already rejected (including by higher courts). There must be a change in the fact situation or new/fresh grounds.

(v) Filing successive applications without any change in

circumstances (as happened with the 9th bail application filed barely days after cancellation of the previous grant) amounts to an abuse of process and cannot be allowed merely by re-urging points already decided.

7.1. It has also been emphasized that ignoring earlier reasoned orders, especially of superior courts in the same *lis,* violates the principle of the binding nature of judgments and cannot be done. Bail cannot be granted solely on grounds like long incarceration or delay in trial without addressing the earlier grounds of rejection, the existence of a prima facie case, gravity of the offence, and risk of tampering with witnesses/evidence.

8. In the case of **State of T.N. v. S.A. Raja,** reported in **(2005) 8 SCC 380,** Hon'ble Supreme Court has held as under:-

> "**9. When a learned Single Judge of the same court had denied bail to the respondent for certain reasons and that order was unsuccessfully challenged before the appellate forum, without there being any major change of circumstances, another fresh application should not have been dealt with within a short span of time unless there were valid grounds giving rise to a tenable case for bail. Of course, the principles of *res judicata* are not applicable to bail applications, but the repeated filing of the bail applications without there being any change of circumstances would lead to bad precedents."**

9. It appears that Bail Application No. 2680/2026 was dismissed by this

Court vide order dated 24.09.2026, after perusing the scanned copy of the record received from the learned trial court, which indicated that investigation of the case had been completed and charge-sheet had also been submitted. Further, the said petition was dismissed considering the role played by the present accused in transporting the victim girl by his car and also in view of his complicity with the accused, namely, Biki Ali and also considering the nature and gravity of the offence and the punishment prescribed for the same.

9.1. Relevant para of the said order are extracted herein below:-

> "**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 and also perused the scanned copy of the record received from the learned Trial Court.**
>
> **8. It is not in dispute that the accused was arrested on 25.06.2026, and since then he has been languishing in jail hazot and investigation of the case has already been completed and charge-sheet has been submitted and now the case is pending before the learned Special Judge (POCSO), Kamrup(M), Guwahati, for trial. Further, considering the role of the accused in transporting the victim by his car and his complicity with the accused Biki Ali, and also consider the nature and gravity of the offence and the punishment prescribed for the same, this Court is of the view that this is not a fit case where the privilege of bail can be granted to the accused. Accordingly the bail petition stands dismissed."**

10. Here the ground for filing the present application is that the Mr. A. Sharma is not the amicus appointed by the Court but he was an engaged counsel by the informant and that the accused do not know the co-accused Biki Ali and that one of the accused has been granted bail are not sufficient ground to reconsider the order dated 24.09.2026.

11. In view of the disposal of the earlier bail application on merit, considering the materials available in the scanned copy of the record, the grounds assigned for filing the present application is found to be not at all satisfactory.

12. And accordingly, this petition stands **dismissed**.

JUDGE

Comparing Assistant