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2026:GAU-AS:15968

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

Case No. : Bail Appln./3173/2026

JIBAN PEGU
S/O- GIRIDHAR PEGU R/O- KARMI GAON, SISSIBONGAON, P.S. SILAPATHAR, DISTRICT DHEMAJI, ASSAM

VERSUS

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

2:SHYAMANI HALOI
W/O KALYAN BORAH
R/O TERETIA
P.S. NALBARI
DIST. NALBARI
ASSA

Advocate for the Petitioner : MR D MEDHI, MOHIDUL ISLAM,MR. S PEGU

Advocate for the Respondent : PP, ASSAM, H KULI(R2)

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 02.11.2026

Heard Mr. D. Medhi, learned counsel for the accused. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State respondent No. 1;

and Mr. H. Kuli, learned counsel for the respondent No. 2.

2. This petition, under Section 483, BNSS is preferred by accused, namely, Jiban Pegu, who has been languishing in jail hazot in connection with Baihata Chariali P.S. Case No. 205/2026, under Sections 329(3)/64(1)/62 of the BNS, 2023, read with Sections 4/8/18 of the POCSO Act, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Smt. X (name withheld) on 06.09.2026.

3.1. The essence of allegation in the FIR dated 06.09.2026, is that on 04.09.2026, the accused had subjected the minor daughter of the informant to sexual harassment by holding her hand and touching her private parts.

4. Mr. Medhi, learned counsel for the accused submits that the accused was arrested on 07.09.2026, and since then he has been languishing in jail hazot for last 57 days, and that the accused is innocent and no way involved with the offence alleged in the FIR, and under such circumstances, he has contended to allow the petition.

5. Per contra, Mr. Goswami, learned Additional Public Prosecutor has vehemently opposed the petition. By producing the case diary before this Court, he submits that the victim girl in her statement recorded under Sections 180 and 183 of the BNSS, has clearly implicated the accused with the offence alleged in the FIR, and that investigation is going on and if the accused is enlarged on bail at this stage, then it will cause prejudice to the prosecution side, and under such circumstances, he has contended to dismiss the petition.

6. On the other hand, Mr. Kuli, learned counsel for the respondent No. 2 submits that he has no objection in the event of enlarging the accused on bail.

7. Having heard the submissions of learned Advocates of both sides, this

Court has carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Goswami, learned Additional Public Prosecutor.

8. The case diary reveals that the I.O. has collected sufficient incriminating materials against the accused. Investigation is going on and in her statements recorded under Sections 180 and 183 of the BNSS, the victim girl has clearly implicated the accused with the offence alleged in the FIR. Besides, the accused is the relative of the mother of the victim girl and as such, influencing the witnesses cannot be ruled out. Moreover, the accused hails from Dhemaji district.

9. Under the given facts and circumstances, this Court is of the view that enlarging the accused on bail at this stage will cause prejudice to the investigating agency, and accordingly, this bail application stands dismissed.

10. Case diary be returned.

JUDGE

Comparing Assistant