GAHC010227982026

2026:GAU-AS:16455

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

Case No. : Bail Appln./3338/2026

CHANA MIYA SHEIKH
SON OF NALU SHEIKH, RESIDENT OF VILLAGE ONDULAJHAR, P.O-DHULA P.S.-DHULA, DISTRICT- DARRANG, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM.

Advocate for the Petitioner : MR A K AZAD, MR A K KHAN,MR. I HUSSAIN,MR N JAMAL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 10.11.2026

Heard Mr. A.K. Azad, learned counsel for the accused applicant. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor appearing for the State of Assam.

2. This is an application filed under Section 483 of the BNSS, 2023 praying

for grant of bail to the accused applicant namely **Chana Miya Sheikh** in connection with Jalukbari Police Station Case No.370/2026 registered under Sections 61(2)/123/140(4)/64 of BNS, 2023.

3. The gist of the allegation as alleged in the FIR lodged on 28.09.2026 by the victim girl is that one Hafijul Hoque called her from Jorhat in the pretext of providing her a job. And when she came from Jorhat to Guwahti and met the aforesaid Hafijul Hoque, he asked her to meet the accused applicant, namely, Chana Miya Sheikh. On her meeting with Chana Miya Sheikh, he took her to a home stay, wherein it was alleged that she was asked to consume some intoxicated liquid and thereafter, she was raped by the accused applicant.

4. On receipt of the FIR, the police registered the Jalukbari Police Station Case No.370/2026 under the aforementioned sections.

5. The learned counsel appearing for the accused/applicant submits that no rape was committed by the accused/applicant and that, in fact, whatever transpired between the parties was consensual in nature. It is further submitted that the accused/applicant has been behind bars for the last 42 days and, therefore, his further detention may not be required in the instant case.

6. Mr. K.K. Parasar, learned Additional Public Prosecutor appearing for the State of Assam has opposed the prayer for bail.

7. Case Diary of the instant case has been received and perused the same.

8. Taking into account the materials available in the case diary and having found prima facie incriminating materials against the accused applicant, this Court is not inclined to grant relief to the accused/applicant at this stage.

Accordingly, the prayer for bail stands rejected.

9. In terms of the above, the instant bail application is dismissed.

JUDGE

Comparing Assistant