GAHC010228902026

2026:GAU-AS:17299

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

Case No. : Bail Appln./3293/2026

BAPON CHANDRA DAS
S/O- SRINIBASH DAS, RESIDENT OF VILLAGE- LONGJAP, P.S.- KOCHUA,
DISTRICT - NAGAON, ASSAM, PIN-782137

VERSUS

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

2:DIPAK DAS
(INFORMANT) S/O- MANTU DAS
R/O- VILLAGE- SHANKARBASTI
P.SLONKA
DIST- HOJAI
ASSAM
PIN782446

Advocate for the Petitioner : G UDDIN, MR A K AZAD,P ADHIKARI

Advocate for the Respondent : PP, ASSAM, MR SARFRAZ NAWAZ, AMICUS CURIAE R2,MS. M IBNAT

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 23.11.2026

Heard Mr. G. Uddin, learned counsel, appearing on behalf of the accused-

applicant. Also heard Ms. A. Begum, learned Addl. P.P., representing the State respondent as well as Mr. S. Nawaz, learned counsel for the respondent no. 2.

2. This is an application filed under Section 483 of the BNSS, 2023, praying for granting bail to the accused-applicant in connection with Lanka P.S. Case No. 198/2026, registered under Sections 137(2) of BNS, 2023, read with Section 4 of the POCSO Act, 2012

3. After completion of the investigation, the police filed charge-sheet and Special POCSO (Hojai) Case No. 72/2026, under Sections 137(2)/65(1) of BNS, 2023, read with Section 4 of the POCSO Act, 2012 was registered.

4. The accused-applicant has been arrested on 25.08.2026 in connection with the instant case and he has been behind bars for the last 91 days.

5. The learned counsel for the accused-applicant submits that the accused-applicant and the victim girl were in a love relationship and the accused-applicant is a young boy, presently 24 years old, has taken the girl as the girl voluntarily wanted to go with him. He submits that the accused-applicant being a young boy and willing to face the trial, he should be granted on bail at this stage.

6. The learned Addl. PP, on the other hand, opposes the prayer of bail of the accused-applicant, stating that the victim girl is a minor and she has been forced to involve in sexual relationship with the accused-applicant.

7. Mr. Nawaz, learned Amicus Curiae for the respondent no. 2 submits that he does not have any objection if the accused-applicant is released on bail to face the trial.

8. This Court has gone through the TCR as well as heard the submissions made by the learned counsel appearing for the respective parties.

9. Taking into account the materials available in the TCR as well as on

consideration of the submissions made by the respective counsel, this Court is of the opinion that the accused-applicant should be released on bail. Accordingly, it is directed that the accused-applicant be released on bail on furnishing a bail bond of Rs. 30,000/- (Thirty Thousand) with a surety of like amount to the satisfaction of the Special Judge (POCSO), Hojai, subject to the following conditions:

1. *That the accused-applicant shall appear before the Trial Court regularly, as and when required and shall not try to hamper the trial in whatsoever manner;*

2. *That the accused-applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or police.*

10. In terms of the aforesaid direction, the instant bail application is disposed of as allowed.

JUDGE

Miriam Degu
(SPA)