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

Case No. : Bail Appln./3296/2026

DHRUBA JYOTI PATHAK
S/O- LATE JADAB PATHAK R/O- VILL- TELIAPATHAR P.S- PANIGAON DIST.- LAKHIMPUR, ASSAM

VERSUS

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

2:SMTI. MINA BORUAH
W/O DEVAKANTA BORUAH
RESIDENT OF KALITA GAON

P.S. PANIGAON
PIN-787001
DIST. LAKHIMPUR
ASSA

Advocate for the Petitioner : MR S GOGOI, S BHATTACHARJEE,MS A GOGOI

Advocate for the Respondent : PP, ASSAM, MR. S J SARMAH(R2)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 19.11.2026

Heard Mr. S. Gogoi, learned counsel for the accused applicant. Also heard Mr.

K.K. Parasar, learned Additional Public Prosecutor appearing for the State.

2. This is an application filed under Section 483 of the BNSS, 2023 praying for grant of bail to the accused applicant namely, Dhruba Jyoti Pathak**,** in connection with Panigaon P.S. Case No. 45/2026 under Sections 332(a)/64(2)(m)/65(1) BNS, R/W Section 6 of POCSO Act.

3. The prosecution case, in brief, is that on 08.08.2026, the complainant, Mina Boruah, lodged an FIR before the Officer-in-Charge of Panigaon Police Station, alleging that on the previous night, when she went to her daughter's room, she noticed the accused applicant inside the room with her minor daughter. It is alleged that the accused applicant had engaged in sexual intercourse with her daughter during the night.

4. On the basis of the said FIR, the police registered Panigaon P.S. Case No. 45/2026 under the aforementioned sections.

5. Upon completion of the investigation, the police filed the charge-sheet, and the matter is presently pending for consideration of charge.

6. The learned counsel for the accused applicant submits that the accused applicant is aged about 21 years and was in a love relationship with the victim girl, who is aged about 16 years. It is further submitted that, in fact, on the said night, the victim girl had called the accused applicant to her room, whereupon the accused applicant went to her room and did nothing illegal, as the sexual intercourse was consensual.

7. He further submits that, after the incident, the families of both the victim girl and the accused applicant met and settled the issue amongst themselves. He submits that the families are, in fact, planning to get the victim girl married to the accused applicant after she attains majority. He also submits that the accused applicant is pursuing his B.A. 5th Semester and that his examination is scheduled to commence from 26th November, 2026 onwards.

8. The learned counsel submits that, in view of the aforesaid facts and circumstances, the accused applicant may be enlarged on bail at this stage, as he is willing to participate in the trial.

9. The learned Additional Public Prosecutor opposes the prayer for bail, submitting that the allegations are of serious nature and that charges are yet to be framed in the instant case.

10. Mr. S.J. Sarmah, learned counsel for the informant, submits that he has no objection in granting bail to the accused applicant at this stage, as both the families have settled the matter amongst themselves and the accused applicant was in a relationship with the victim girl.

11. Case diary in the instant case has not been received.

However, this Court has considered the materials brought on record by way of an additional affidavit filed by the accused applicant.

12. This Court has also perused the statement of the victim girl recorded under Section 183 of BNSS during the course of the investigation, as well as the other materials available on record.

13. Taking into account the materials available and considering the submissions made by the learned counsel for the respective parties, this Court is of the view that the accused applicant should be granted 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 jurisdictional Court/Magistrate, 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