GAHC010230642026

2026:GAU-AS:17138

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

Case No. : Bail Appln./3314/2026

IMAN ALI
S/O- LATE EYARUDDIN, RESIDENT OF VILLAGE MAHAMMADPUR, P.S. DISTRICT BARPETA, ASSAM PIN781314 UNDER JUDICIAL CUSTODY SINCE 26.09.2025

VERSUS

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

2:MANOWARA KHATUN
W/O LATE JALAL UDDIN
RESIDENT OF VILLAGE- MAHAMMADPUR
PO- KADONG
PS AND DIST- BARPETA
ASSAM
PIN-781314 M. NO-882285673

Advocate for the Petitioner : MR. J AHMED, MR. R ISLAM,R KHANOM,R BEGUM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 19.11.2026

Heard Mr. J. Ahmed, learned counsel for the accused applicant. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor appearing for the State as well as Ms. T.S. Parasar, learned Amicus Curiae appearing for the respondent No.2.

2. This is an application filed under Section 483 of the BNSS, 2023 praying for grant of bail to the accused applicant namely, Iman Ali**,** in connection with Barpeta P.S. Case No.343/2025 under Sections 64(2)(k)/65(1) BNS R/W Section 6 of POCSO Act.

3. The prosecution case, in brief, is that an FIR was lodged by one Manowara Khatun before the Officer-in-Charge of Barpeta Police Station on 24.09.2025 against the accused applicant, alleging, *inter alia*, that her minor daughter, who is a child with hearing and speech impairment, had been raped by the accused applicant over the last six months. It is further alleged that, as a result of the said acts, the victim girl became pregnant. However, due to her disability, she could not inform or communicate the aforesaid incidents to the informant. Subsequently, having noticed certain changes in her behaviour and physical development, the informant questioned the victim girl, whereupon she identified the accused applicant and disclosed to the informant that the accused applicant had committed sexual intercourse with her.

4. On receipt of the said FIR, the police registered Barpeta P.S. Case No. 343/2025 under the aforementioned sections of law.

5. Upon completion of the investigation, the police filed the charge-sheet and, subsequently, charges were framed. The matter is presently pending for recording of the evidence of the victim girl.

6. The learned counsel for the accused applicant submits that the accused applicant has been behind bars for about four months and that, till date, the victim girl has not been examined before the learned trial Court.

7. He further submits that several dates have been fixed by the learned trial Court; however, the victim girl is yet to be examined due to the non-availability of an official sign language interpreter.

8. This Court has perused the TCR, from which it is seen that, on several occasions, summons were issued to the District Child Protection Officer, Barpeta, as well as to one Heramba Kr. Das, who is working as a Special Educator at BDS Govt. H.S. School for the Hearing Impaired, for the purpose of interpreting the statement of the victim girl.

9. It is further seen that, till date, the District Child Protection Officer (DCPO), Barpeta, has neither arranged for any other suitable person nor ensured the presence of the aforesaid Heramba Kr. Das to act as an interpreter for the examination of the victim girl.

10. Taking into account the aforesaid facts and circumstances, this Court disposes of the instant bail application with a direction to the District Child Protection Officer, Barpeta, to make necessary arrangements for a sign language interpreter to facilitate the examination of the victim girl before the learned trial Court.

11. It is further directed that the learned Special Judge, POCSO, Barpeta, shall communicate this order to the District Child Protection Officer, Barpeta, for necessary compliance.

12. The learned Special Judge, POCSO, Barpeta, is also directed to fix a date within one month from today for the examination of the victim girl and communicate the same to the aforesaid Heramba Kr. Das, so that the examination of the victim girl can be completed.

13. The Registry shall communicate this order to the learned Special Judge, POCSO, Barpeta, at the earliest.

JUDGE

Comparing Assistant