GAHC010230712026

2026:GAU-AS:17003

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

Case No. : Bail Appln./3310/2026

SANDEEP SONAR
SON OF CHANDRA BAHADUR SONAR, RESIDENT OF HOUSE NO 2, LAZUM, NEAR MARGHERITA CIVIL HOSPITAL, MARGHERITA, P O AND P S MARGHERITA, DISTRICT TINSUKIA, ASSAM.

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

2:SRI RAJU SONAR
SON OF SRI RAMPPRASAD SONAR
RESIDENT OF BARUAH TINALI
DULIAJAN
P O AND P S DULIAJAN
DISTRICT DIBRUGARH
ASSAM
PIN 786602
MOBILE NO 6001795626

Advocate for the Petitioner : MR. N HASAN, MR SUBHRAJIT SAIKIA,MR. A HASAN

Advocate for the Respondent : PP, ASSAM, MR SARFRAZ NAWAZ

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 18-11-2026

Heard Mr. N. Hasan, learned counsel for the petitioner. Also heard Mr. D. P.

Goswami, learned Additional PP for the State and Mr. S. Nawaz, learned Amicus Curiae for the informant.

2. Invoking section 483 BNSS, the petitioner is seeking regular bail in connection with POCSO Case No. 95/2026 under section 103(2)/238(a)/3(5) BNS with added section 127(2) BNS read with section 6 of the POCSO Act.

3. The case upon completion of investigation resulted in a chargesheet vide CS No. 159/2026 dated 14.09.2026, whereafter the aforesaid POCSO Case was registered which is at the stage of consideration of charge before the Court of the learned Additional Sessions Judge, FTC, Dibrugarh. The case arose out of Duliajan PS Case No. 82/2026.

4. The learned counsel takes a preliminary contention that by the time the chargesheet was filed, the applicable statutory period of 90 days was over and therefore, the petitioner had become entitled to default bail. It is submitted that in this connection, an application was preferred before the learned Trial Court on 24.09.2026 but the same came to be rejected on the ground that the chargesheet was dated 14.09.2026.

5. The learned counsel drawing attention to an endorsement on the application stating that the filing time is mentioned as 11:11 am and the chargesheet is stated to have been received at 4 pm on 24.09.2026, i.e., the same date. It is submitted that the petitioner was first remanded on 26.06.2026 and the statutory period expired on 23.09.2026 and therefore, on 24.09.2026, the right of the petitioner to default bail had already crystallized and for that he had also preferred a bail application.

6. The scanned TCR is received.

7. Mr. Nawaz, the learned counsel for the informant does not dispute the factual contentions.

8. It is clear from the materials as indicated above that by the time the chargesheet came into the record of this Court, the 90 days had already expired and prior to that, the petitioner had preferred this bail application for default bail. In the situation, the petitioner had indeed become entitled to default bail.

9. Accordingly, the petitioner is hereby allowed to go on bail on furnishing a bail bond of Rs. 50,000/- with one surety of like amount to the satisfaction of the learned Trial court and subject to the conditions that:- (i) he shall be available for the trial; (ii) he shall not hamper or tamper with evidence; (iii) he shall not commit any harm, harassment or threat upon the informant or family members.

10. Violation of any of the bail conditions would entail cancellation of the bail.

11. Bail application stands allowed and disposed of.

JUDGE

Comparing Assistant