GAHC010234142026

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

Case No. : Bail Appln./3361/2026

MD BASIR ALI
SON OF MD HUSSAIN ALI, RESIDENT OF VILLAGE- PUB BHIR, PS- BISWANATH CHARIALI, DIST.- BISWANATH, PINCODE 784176, ASSAM, CONTACT NO 8638781716

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PP, ASSAM

2:MD AJIT ALI
SON OF LATE JUBBAR ALI
VILLAGE- PUB BHIR
PS- BISWANATH CHARIALI
DIST.- BISWANATH
PIN-787031

Advocate for the Petitioner : MR P NEOG,

Advocate for the Respondent : PP, ASSAM, MS. D PATHAK(R2)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 12.11.2026

Heard Mr. P. Neog, learned counsel for the accused applicant. Also heard

Mr. D.P. Goswami, learned Additional Public Prosecutor appearing for the State as well as Ms. D. Pathak, learned counsel appearing for the informant/respondent No.2.

2. This is an application under Section 483 of the BNSS, 2023 praying for grant of regular bail to the accused applicant, namely, Basir Ali, in connection with Special (POCSO) Case No. 44/2026 (corresponding to Biswanath Chariali P.S. Case No. 139/2026) pending in the Court of learned Special Judge (POCSO), Biswanath under Sections 137(2) /64(2)(m)/351(3)/88/238(a)/296 of the BNS, 2023 read with Section 6 of the POCSO Act, 2012.

3. The allegation as made in the FIR is that one accused person namely Saibur Ali induced the informant's daughter and took her to a rented room located at Kochgaon, Biswanath Chariali and thereafter, committed rape on her. It is also alleged that rape was committed on many occasions later on also.

4. It is stated that the accused No.1 namely Saibur Ali reached the rented room by e-rickshaw of the accused applicant.

5. On receipt of the FIR, Police registered Biswanath Chariali P.S. Case No. 139/2026 under the aforementioned sections.

6. After completion of the investigation, the police filed the charge-sheet, and the matter is now pending for consideration of charges.

7. The learned counsel for the accused applicant submits that there is no allegation against the accused applicant in the instant case. The accused applicant is an e-rickshaw driver, whose e-rickshaw was hired by the main accused in the instant case and therefore, there is no ground for keeping him under detention.

8. TCR has been received and the same is perused.

9. Mr. D.P. Goswami, learned Additional Public Prosecutor opposes the prayer for

bail and he was supported by the learned counsel appearing for the informant.

10. This Court has taken into consideration the submissions made by the learned counsel appearing for the respective parties and also perused the materials available in the TCR and being prima facie found merit in the instant bail application, is of the view that the accused applicant should be granted bail.

11. Accordingly, it is directed that the accused applicant named above shall be released on bail on furnishing bail bond of Rs.20,000/- with a surety of like nature to the satisfaction of the learned Special Judge, POCSO, Biswanath Chariali 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 try to influence any of the witnesses that may be involved in the instant case or tamper or hamper with the trial in whatsoever manner.

In terms of the above, the instant application is disposed of.

JUDGE

Comparing Assistant