GAHC010235522026

2026:GAU-AS:16036

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

Case No. : Bail Appln./3392/2026

KADER KHAN
S/O MAHAMMAD KHAN RESIDENT OF VILLAGE SALEKURA P O JANIA P S AND DISTRICT BARPETA ASSAM

VERSUS

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

2:ABDUL MALEK
S/O LATE AINUDDIN RESIDENT OF VILLAGE SALEKURA P O JANIA P S AND DISTRICT BARPETA ASSA

Advocate for the Petitioner : MR. R ALI, MR. MUSTAFA HUSSAIN,DR. R HOQUE

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 02.11.2026

Heard Mr. R. Ali, learned counsel for the petitioner. Also heard Mr. P. Barthakur, learned Additional Public Prosecutor for the State.

2. This application under Section 483 of BNSS, 2023 has been filed by the petitioner, namely, **Kader Khan**, praying for regular bail in connection with Barpeta P.S. Case No. 276/2026 registered under Sections 87/65(1)/351(2)/3(5) of BNS r/w Section 4 of POCSO Act.

3. The petitioner is stated to have been arrested on 01.08.2026 and forwarded on the same day.

4. I have perused the forwarding report dated 01.08.2026.

5. The case diary as called for has not yet been received. However, upon instructions, the learned Additional Public Prosecutor submits that investigation is not yet completed.

6. In this context, Mr. Ali, the learned counsel for the petitioner, submits that the applicable statutory period is 90 days, and the petitioner, after his arrest and remand on 01.08.2026, has completed 94 days in under trial detention, and that he has already completed the statutory period in under trial detention.

7. The said projection is not disputed by the prosecution. I have also perused the relevant materials and find that from the date of his remand after arrest, the petitioner has completed more than 90 days in detention, and as the investigation is not yet completed, as submitted by the prosecution, the petitioner has become entitled to default bail.

8. Accordingly, the accused-petitioner, named above, shall be released on bail in connection with Barpeta P.S. Case No. 276/2026 registered under Sections 87/65(1)/351(2)/3(5) of BNS r/w Section 4 of POCSO Act, on furnishing bail

bond of **Rs.50,000/-**with one suitable surety of the like amount to the satisfaction of learned Special Judge (POCSO), Barpeta..

9. The direction for bail is further subject to the conditions:

(a) He shall cooperate with the remaining investigation;

(b) He shall be available for trial if once commences;

(c) He shall not hamper or tamper with evidence;

(d)He shall not in any manner intimidate or harass or harm the informant or the victim or their family; and

(e) He shall not try to influence any witnesses.

10. Violation or breach of any condition(s) shall entail cancellation of bail.

11. With the above observations, this bail petition stands **allowed** and disposed of accordingly.

JUDGE

Comparing Assistant