GAHC010236732026

2026:GAU-AS:16971

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

Case No. : Bail Appln./3438/2026

MD. SAHIL ALI
S/O- MD. ABDUL KHALEK.
R/O- VILL.- MORNOIGAON, P.S.- BIHPURIA, DIST.- LAKHIMPUR, ASSAM.

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE PP, ASSAM

2:MISS NURJAHAN BEGUM
W/O- MD. MAINUL HUSSAIN.
R/O- VILL.- KEYAMORA
P.S.- BIHPURIA
DIST.- LAKHIMPUR.ASSA

Advocate for the Petitioner : MR M H AHMED, I AMIN

Advocate for the Respondent : PP, ASSAM, MR A HUSSAIN(R2)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 18.11.2026

Heard Mr. M.H. Ahmed, learned counsel, appearing on behalf of the accused-applicant. Also heard Mrs. S.H. Bora, learned Addl. P.P., representing the State

respondent and Mr. A. Hussain, learned counsel for the respondent no. 2.

2. This is an application filed under Section 483 of the BNSS, 2023, praying for granting bail to the accused-applicant in connection with G.R. Case No. 693/2026, corresponding to Bihpuria P.S. Case No. 141/2026, registered under Sections 137(2) of BNS, 2023, read with Section 6 of the POCSO Act, 2012.

3. The allegation as can be found in the FIR, lodged by the informant before the Officer In-charge, Bihpuria PS is that, on 21.07.2026, at around 7:00 PM, her minor daughter, aged about 17 years was talking with one person, namely, Md. Sahil Ali and thereafter, she went missing. Thereafter, the FIR was filed alleging that the aforesaid Md. Sahil Ali may have taken her daughter to some place.

4. On receipt of the FIR, police registered Bihpuria P.S. Case No. 141/2026, under the aforementioned Sections. After completion of the investigation, police filed the charge-sheet and the matter is now pending at evidence stage.

5. The learned counsel for the accused-applicant submits that the accused-applicant and the victim girl were in a love relationship and the girl voluntarily went with him and spent two days with him, therefore, the learned counsel submits that the accused-applicant has not committed any wrong in the instant case. He further submits that since the accused-applicant is behind bars for the last 113 days, the accused-applicant should be granted bail at this stage.

6. The learned Addl. PP, on the other hand, opposes the prayer of bail of the accused-applicant.

7. Mr. A. Hussain, learned counsel for the respondent no. 2 submits that he does not have any objection if the accused-applicant is released on bail.

8. This Court has gone through the TCR as well as heard the submissions made by the learned counsel appearing for the respective parties.

9. Taking into account the materials available in the TCR as well as on perusal of the statements recorded by the police, this Court is of the opinion that the accused-applicant should be released on bail. Accordingly, it is directed that the accused-applicant be released on bail on furnishing a bail bond of Rs. 30,000/- (Thirty Thousand) with a surety of like amount to the satisfaction of the Special Judge (POCSO), Lakhimpur, North Lakhimpur, subject to the following conditions:

1. *That the accused-applicant shall appear before the Trial Court regularly, as and when required and shall not try to hamper the trial in whatsoever manner;*

2. *That the accused-applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or police.*

10. In terms of the aforesaid direction, the instant bail application is disposed of as allowed.

JUDGE

Miriam Degu
(SPA)