GAHC010236822026

2026:GAU-AS:16904

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

Case No. : Bail Appln./3448/2026

SRI DIGANTA DOLEY
SON OF SRI TAPESWAR DOLEY RESIDENT OF CHABOTI PADUMONI PO-CHABOTI PS-NORTH LAKHIMPUR DIST.-LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
NOTICE THROUGH PP, ASSAM

2:SMTI BARNALI DOLEY PATIR
WIFE OF BINOD PATIR RESIDENT OF CHABOTI PADUMONI PO-CHABOTI PS-NORTH LAKHIMPUR DIST.-LAKHIMPUR
ASSA

Advocate for the Petitioner : MR. P J SAIKIA, MS. B SARMAH

Advocate for the Respondent : PP, ASSAM, MR. R KONWAR(R2),MR D PEGU(R2),MR H ALI(R2),MR. U K BARMAN(R2)

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 17-11-2026

Heard Mr. P. J. Saikia, learned counsel for the petitioner. Also heard Mr. D. P. Goswami, learned Additional PP for the State and Mr. R. Konwar, learned counsel for the respondent No. 2.

2. This application has been filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, whereby the accused petitioner namely, Diganta Doley, has prayed for bail in connection with Session (Special/Spl(P) Case No. 229/2025 under Section 329(4)/65(1)/62 of BNS, 2023 r/w Section 18 of POCSO Act, 2012, arising out of North Lakhimpur P.S. Case No. 417/2025, pending before learned Special Judge (POCSO), Lakhimpur, North Lakhimpur.

3. The case arose out of a complaint dated 08.12.2025 lodged by a mother of the alleged victim girl with the allegation that on 06-12-2025 in the night when she was at the nearby house of the accused for dinner and her 12 year old daughter was studying at home and the accused went to her house and attempted to rape her and hearing her screams, she arrived there whereupon the accused fled away.

4. The accused was arrested on 10.12.2025 and presently in judicial custody.

5. This is a subsequent bail application as the earlier bail petition was rejected on 11.03.2026 in BA/385/2026. In the meantime, the investigation has been completed resulting in a chargesheet and trial has also commenced before the

learned Trial Court during which the informant and the alleged victim girl are already stated to have been examined.

6. The scanned record has been received.

7. Mr. Goswami, the learned PP admits that the victim girl and the informant have already been examined in the meantime as PW1 and PW2 respectively.

8. The petitioner is stated to be a police personnel though he is presently under suspension due to the pending case. The aspect of the petitioner being a police personnel was also reflected in the previous order dated 11.03.2026 rejecting the bail petition.

9. The learned Additional PP submits that from the birth certificate seized during the investigation, the date of birth of the victim girl is 24.04.2014 and going by that, she was approximately 11 to 12 years at the time of the alleged incident. The same has also been stated by the informant side at the time of the lodging of the FIR. In her testimony, the informant (mother of the victim girl) testifying as PW 1 has also supported the allegations. She has admitted that the wife of the accused had lodged the case upon herself, her husband and brother-in-law. The copy of the said FIR regarding kidnapping and assault is available. The FIR is dated 08.12.2025 and the alleged incident is stated to have taken place on 07.12.2025.

10. A copy of medical examination report of the accused is annexed, which indicates history of assault and reveals simple injuries. It is also revealed from the materials that after the incident, there was a village meeting wherein the accused was called and some villagers assaulted him. It may be mentioned

herein that the FIR giving rise to the instant case was lodged on 08.12.2025 and the alleged incident in supposed to have taken place on 06.12.2025.

11. Mr. Konwar, learned counsel for the informant submits that the family of the victim has apprehensions as the accused is an adjacent neighbour and he is a police personnel. It has also emerged that the victim's father was working in Rajasthan. In the chargesheet, 6 witnesses are listed and as already mentioned above 2 witnesses have been examined, being the informant and the victim girl who were examined on 10.09.2026.

12. I have noticed the implications in the testimony of the victim and the informant specially the victim. The implications revealed by the statement of the victim girl before the JMFC and the police during the investigation was already referred to in para 5 of the earlier bail rejection order. Despite the examination of the informant and the victim and the length of detention, the apprehension contended from the side of the informant cannot be brushed aside.

13. In this context, it is submitted by the learned counsel for the petitioner that in case of any threat, the informant side would be at liberty to file any complaint before the police against him. As already stated, the girl is stated to be of tender years aged about 11-12 years old. The petitioner is stated to be a police personnel.

14. Considering all the facts, this subsequent bail petition, in my considered opinion is devoid of sufficient new grounds for grant of bail.

15. Accordingly, the same stands rejected at this stage.

16. However, considering the fact that only 4 more listed PWs are remained to be examined, during the trial, it is hoped that the learned Trial Court below subject to the usual docket constraints, shall make an endeavour to expeditiously complete the remaining trial, as the accused continues to be in under trial detention.

17. A copy of this order may be sent to the learned Trial Court for kind information.

18. Bail application stands disposed of.

JUDGE

Comparing Assistant