

GAHC010242512025



2026:GAU-AS:1796

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

Case No. : Bail Appln./3569/2025

MD HABIBUL IMRAN KAICH
S/O UKUR ALI
R/O NO. 1 CHOWRABARI, P.S. BIJNI, DIST. CHIRANG, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP, ASSAM

2:SAJEDA KHATUN
W/O AMIR HUSSAIN
R/O LATE LASUMUDDIN
R/O NO. 1 CHOWRABARI
P.S. BIJNI
DIST. CHIRANG
ASSA

Advocate for the Petitioner : TUN RAJKHOWA,

Advocate for the Respondent : PP, ASSAM, MS. R CHOUDHURY, AMICUS CURIAE FOR R-2)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

10.02.2026

Heard Mr. R.P. Hazarika, learned counsel appearing for the accused-applicant. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor

appearing the State respondent as well as Ms. R. Choudhury, learned counsel appearing for the respondent no. 2.

2. This is an application filed under Section 483 of the BNSS, 2023, praying for granting regular bail to the accused-applicant in connection with Special (POCSO) Case No. 20/2025, under Sections 351(3)/65(1) of the BNS, 2023, read with Section 6 of the POCSO Act, arising out of Bijni P.S. Case No. 87/2025.

3. On 01.07.2025, the informant, namely, Sajeda Khatun lodged an FIR before the Officer-in-Charge, Bijni Police Station alleging that about 5 months back, the accused-applicant had committed sexual intercourse with her minor daughter aged about 14 years forcibly against her will. It was also alleged that on several other occasions too, the accused-applicant has committed sexual intercourse with her minor daughter against her will. Lastly, 5 months back at about 12 AM night, the accused applicant has committed sexual intercourse with her minor daughter forcibly by threatening her with dire consequences of life on the abandoned house situated in the land of one Nayeb Ali. It was also alleged that her minor daughter got 5 months pregnant and she did not disclose anything about the same till that date due to fear. After seeing the deteriorating health condition of the minor girl, she asked her daughter when she disclosed about the aforesaid incident to her. On receipt of the FIR, Bijni P.S. Case No. 87/2025 has been registered against the accused-applicant under the aforementioned sections. The accused applicant was arrested on 03.07.2025 and since then he is behind the bars.

4. After investigation, the I.O. has filed the Charge Sheet, vide C.S. No. 81/2025 dated 26.07.2025 and after framing of the charges, the trial has started.

5. The TCR in the instant case has been produced before this Court, which has been perused. It is seen that the 10 witnesses has been named in the Charge Sheet by the I.O. Out of 10, 4 PWs have already been examined including the informant and the victim girl.

6. Mr. Hazarika, learned counsel appearing for the accused-applicant submits that the accused-applicant is 20 years old boy, student of Higher Secondary School and he has already spent sufficient time of 222 days behind the bars. Therefore, considering his age and he being a student, he should be allowed to go on bail at this stage.

7. *Per contra*, Mr. Baruah, learned Additional Public Prosecutor appearing for the State submits that from the depositions made before the learned Trial Court by the informant as well as victim girl and other witnesses, a *prima facie* case has been made out indicating involvement of the accused – applicant in the instant case. At this stage, he opposes the prayer of bail of the accused – applicant.

8. Ms. R. Chodhury, learned counsel appearing for the respondent no. 2 has submitted that since the accused – applicant has raped a minor girl on several occasions and got her impregnated, this is not a fit case wherein the accused – applicant should be granted bail at this stage.

9. This Court has considered the submissions of the learned counsel appearing for the respective parties as well as has gone through the TCR which has been produced before this Court. After finding sufficient *prima facie* materials against the accused – applicant as well as considering the fact that the minor girl got pregnant and taking into account the stage of the trial, this Court is not inclined to allow the accused – applicant to go on bail at this stage.

10. In view of the aforesaid finding, the instant bail application is rejected as deposed of.

11. TCR so received to be sent back.

JUDGE

Comparing Assistant