GAHC010243352026

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

Case No. : Bail Appln./3540/2026

SALAM MANDAL
S/O RAFIKUL MANDAL, RESIDENT OF KHEJURBARI, P.O.- PRATAPKHATA,
P.S.- FAKIRAGRAM, DIST.- KOKRAJHAR, BTC, ASSAM, PIN- 783337

VERSUS

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

2:UTPAL NARZARY (INFORMANT)
S/O LATE DHIRAT NARZARY
R/O SUKANJHORA
P.S.- FAKIRAGRAM
DIST.- KOKRAJHAR
BTC
ASSAM
PIN- 78333

Advocate for the Petitioner : MR. A A R KARIM, S A KHAN

Advocate for the Respondent : PP, ASSAM, MS. M K BROWN, AMICUS CURIAE R2

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 20.11.2026

Heard Mr. A.A.R. Karim, learned counsel for the accused. Also heard Mr.

R.R. Kaushik, learned Additional Public Prosecutor for the State respondent and Ms. M.K. Brown, learned *Amicus Curiae* for the respondent no.2/informant.

2. The petitioner, namely, **Salam Mandal,** is seeking regular bail under section 483 BNSS in connection with Fakiragram P.S. Case No. 62/2026 u/s 64(2)(m) of BNS, 2023 r/w Section 6 of POCSO Act r/w Section 5(j)(ii)&5(i) of POCSO Act r/w Section 9 of PCM Act.

3. The petitioner is in custody since 27.10.2026.

4. The primary allegation is of commission of child marriage followed by pregnancy and childbirth.

5. The learned counsel for the petitioner drawing attention to the statement in para 3, submits that at the time of marriage, the victim was approximately 18 years.

6. The learned Additional Public Prosecutor points out the statement of the girl recorded under Section 183 BNSS stating that pursuant to a relationship, the victim girl eloped with the petitioner and later solemnized marriage with him in the year 2025. She has stated her birth as 10/3/2007. She stated that she is living with the petitioner as husband and wife.

7. The learned *Amicus Curiae* while adopting some of the submissions of the prosecution, further contends that the petitioner side has not annexed any documentary material in support of their contention about the majority of the girl at the time of marriage.

8. In the given circumstances, I do not see any point in continuing the detention of the petitioner. Therefore, he is allowed to go on bail.

9. Accordingly, it is directed that, the accused-petitioner, named above, shall be released on bail in connection with Fakiragram P.S. Case No.

62/2026 u/s 64(2)(m) of BNS, 2023 r/w Section 6 of POCSO Act r/w Section 5(j)(ii)&5(i) of POCSO Act r/w Section 9 of PCM Act, on furnishing bail bond of **Rs.25,000/-** with one suitable surety of the like amount to the satisfaction of learned Special Judge, Kokrajhar.

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

(a) He shall cooperate with the process of law; and
(b) He shall not hamper or tamper with evidence.

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

12. The bail application stands **allowed** and disposed of.

JUDGE

Comparing Assistant