GAHC010244042026

2026:GAU-AS:17458

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

Case No. : Bail Appln./3605/2026

SHAHEB KHAN ALIAS SAHEB KHAN
S/O- MOYNAL HOQUE R/O-VILL-DAPKARVITA P.S- CHUNARI DISTRICT-GOALPARA PIN-783120

VERSUS

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

2:SHRABANDIP MAHANTA

S/O /D/O /W/O-BINOY KUMAR MOHANTA R/O-HOUSE NO. 89 A NEAR KHARGULI POST OFFICE
KHARGULI
P.S. LATASIL
DIST. KAMRUP M
PIN-781004
MOB. NO. 7002797496
I/C
G.P. SECRETARY HALISHAVITA GAON PANCHAYAT. INFORMAN

Advocate for the Petitioner : MR K ISLAM, MR. A W MONDAL,MR A ALIM SK

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 25.11.2026

Heard Mr. K. Islam, learned counsel for the petitioner. Also heard Mr.

B. Sharma, learned Additional Public Prosecutor for the State and Mrs. T. Parasar, learned *Amicus Curiae* for respondent no.2.

2. Invoking 483 BNSS, the petitioner, namely, **Shaheb Khan @ Saheb Khan**, is seeking regular bail in connection with Chunari P.S. Case No. 60/2026 u/s 376 IPC r/w Section 6 of POCSO Act and r/w Section 9 of Prohibition of Child Marriage Act, 2006.

3. He was arrested on 28.10.2026.

4. The primary allegation was contracting child marriage with a minor, and later the girl gave birth to a child also, who is stated to be presently two and a half years.

5. The learned counsel for the petitioner submits that the girl is presently aged 19 years, and has also submitted a copy of a purported affidavit, made by the girl annexed as Annexure 8. In para 16 thereof, she has stated her no objection to grant of bail.

6. The learned Additional Public Prosecutor submits that investigation is not complete whereas learned Amicus Curiae submits that at the relevant time, the victim girl was a minor and she also has a child.

7. Nevertheless, it appears that the parties are leading a conjugal life with a child, and therefore, there is not much purpose to be served by continuing the trial detention, while the prosecution under the Child Marriage Act can still continue.

8. Accordingly, the accused-petitioner, named above, shall be released on bail in connection with Chunari P.S. Case No. 60/2026 u/s 376 IPC r/w

Section 6 of POCSO Act and r/w Section 9 of Prohibition of Child Marriage Act, 2006, on furnishing bail bond of **Rs.25,000/-** with one suitable surety of the like amount to the satisfaction of learned Special Judge No.2 (under POCSO Act), Goalpara.

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

(a) That the petitioner shall cooperate with the process of law.

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

11. The bail application stands allowed and disposed of.

JUDGE

Comparing Assistant