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

Case No. : Bail Appln./2210/2026

RAHMAT ALI
S/O- RAJAB ALI, R/O- NO. 2 MAJGAON, P.S DALGAON, DIST DARRANG, ASSAM

VERSUS

1. THE STATE OF ASSAM AND ANR
REPRESENTED BY P.P., ASSAM

2:RAMJAN ALI
S/O- LATE JAINAL ABDIN
VILL CHUKABAHI
P.O DAIPAM
P.S.- DALGAON
DIST.- DARRANG
ASSAM
PIN- 78451

Advocate for the Petitioner : MR. S ISLAM, A R MONDAL,J A MONDAL

Advocate for the Respondent : PP, ASSAM, MR H KALITA(R2)

BEFORE

HON'BLE MR. JUSTICE SANJEEV KUMAR SHARMA

O R D E R

14.10.2026

Heard Mr. S. Islam, learned counsel for the petitioner. Also heard Mr. P.S. Lahkar, learned Public Prosecutor for the State and Mr. H. Kalita, learned counsel for the respondent No. 2.

2. This is an application under Section 483 of BNSS, 2023 for granting regular bail to the petitioner who were arrested on 08.07.2026 in connection with Dalgaon PS Case No. 171/2025 under Section 64 BNS and r/w Section 6 of POCSO Act.

3. The brief facts of the case is that on 02.12.2025, one Ramjan Ali lodged an FIR before the Daipam Outpost alleging inter alia that 6 months ago from lodging FIR at about 6:00 pm, the petitioner took his minor daughter X (17 years) in the middle of corn paddy filed nearby Tangani River and forcefully raped her with an assurance to marry her, as a result she has become pregnant. Thereafter, three times the petitioner provided medicine for miscarriage, but his daughter did not take the medicine and intimated him about the incident. Due to intimation to him, the petitioner refused to marry his daughter. After having received the said FIR, the Officer in Charge of Daipam outpost made GDE and forwarded to the O/C, Dalgaon PS for registering a case and a case has been as Dalgaon PS Case No. 171/2025 u/s 64 BNS R/w Section 6 of POCSO Act.

4. Subsequently, the victim girl had given birth to a girl child. The Investigating Officer has completed the investigation and submitted the chargesheet.

5. It is submitted on behalf of the petitioner that the victim who was actually aged 19 years was in a love relationship with the petitioner and the allegation of

possible rape is totally false. Further, the petitioner was arrested on 08.07.2026 and has already spent 98 days behind bars.

6. In view of the fact that investigation has been completed, the prayer for bail may be allowed.

7. The scanned copy of the TCR has been received.

8. On perusal of the chargesheet, it appears that the I.O has not collected any Birth Certificate or School Certificate for the victim girl to establish her age.

9. On the other hand, as per the Medical Report, the age of the victim is in between 16 to 18 years, thereby indicating that the petitioner may be an adult. Furthermore, as reflected in the statement of the victim herself, sexual intercourse took place between her and the petitioner on several occasions in different places thereby committing to a consensual relationship.

10. Having regard to the above as well as the period of detention already undergone, further detention of the petitioner is not necessary.

11. Accordingly, the prayer for bail is allowed on furnishing a bail bond of Rs. 50,000/- (Rupees Fifty Thousand only) with two sureties of the like amount, subject to the satisfaction of the learned Trial Court with condition that-

(i) the petitioner shall not try to influence the victim or any other person acquainted with the facts and circumstances of the case.

ii) the petitioner shall participate in the trial as and when required.

12. The bail application stands disposed of.

JUDGE

Comparing Assistant