GAHC010169712026

2026:GAU-AS:15793

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

Case No. : Bail Appln./2326/2026

SRI DIGANTA DAS
SON OF SRI DEBEN DAS
RESIDENT OF BARAMPUR, P.S. JAGIROAD, DISTRICT MORIGAON ASSAM

VERSUS

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

2:SMTI MINOTI DAS
WIFE OF SRI BINOD DAS RESIDENT OF BARAMPUR
P.S. JAGIROAD
DISTRICT MORIGAON ASSA

Advocate for the Petitioner : MR. J A AHMED, MR. K M HASSAN,MR. A B ACONDA
Advocate for the Respondent : PP, ASSAM, MS T PARASHAR, AMICUS CURIAE R2

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

15.10.2026

Heard Mr. K. M. Hussain, learned counsel appearing for the accused petitioner as well as Mr. B. Sharma, learned Addl. P.P., Assam appearing for the State respondent No.1 and Ms. T. Parasar, learned Amicus Curiae appearing for respondent No.2.

2. This petition under Section 483 of the BNSS, 2023 has been filed by the

accused-petitioner, namely, **Diganta Das,** praying for grant of bail in connection with **POCSO Case No.03/2026 (arising out of Jagiroad PS Case No. 311/2025)** under Sections **332(b)/65(1) of BNS R/W Section 4(2) of POCSO Act.**

3. The learned counsel for the petitioner has submitted that during the trial the evidence of all the witnesses had already been taken and further the statement of the petitioner under the provisions of Section 351 of the BNSS and one of the defense witnesses has also been examined. At that stage a reframing of the charge from one being under Section 332(B) to Section 332(A) had been made and therefore, now four more witnesses are required to be examined.

4. The learned counsel for the petitioner has submitted that the grant of bail to the petitioner at this stage would not hamper or tamper the further proceedings. He has further submitted that the evidence of the Medical Officer who had examined the victim immediately after the incident, juxtaposed with the evidence led by the victim and the informant would reveal that there is a fair chance of the petitioner being acquitted in the present case. He has accordingly prayed that the petitioner may be granted the privilege of bail.

5. The learned Additional Public Prosecutor and the learned Amicus have submitted in tandem that the evidence on the modified charge would not take much time since only two witnesses are required to be examined and further that the evidence so far recorded would reveal that there is fair chance for the petitioner to be convicted. Accordingly, they have prayed for the rejection of the bail petition.

6. I have considered the submissions made and I have also gone through the scan copy of the TCR. The petitioner has been behind bars since 15.12.2025.

7. Having regard to the fact that further evidence is now required to be recorded in connection with the alteration of charge which may require some time and also having gone through the trial court proceedings, I do not find that the release of the petitioner on bail at this stage may pose as an impediment in the proper conduct of the trial. Accordingly, the petitioner is found entitled to be released on bail.

8. The petitioner shall be released on bail on furnishing a bond of rupees 15,000 with two sureties of the like amount to the satisfaction of the learned Trial Court, who shall be at liberty to impose such other conditions as may be deemed fit.

9. It is, however, made clear that the petitioner shall not in any manner interact, coerce or threaten the witnesses now proposed to be examined or the victim or the informant.

10. Any violation of the conditions of the bail granted today, or as imposed by the learned trial court, would render the privilege of bail liable to be recalled.

11. Accordingly, this bail application stands **allowed** and **disposed of**.

JUDGE

Comparing Assistant