GAHC010202362026

2026:GAU-AS:15527

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

Case No. : AB/2247/2026

SRI SANTANU KUMAR NATH
S/O NAGEN NATH, R/O AGSIA, MAJIR GOAN, OPP BHARAT GAS AGENCY,
UNDER AZARA PS, DIST KAMRUP M, ASSAM, PIN 781017

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM, GAUHATI HIGH COURT, GUWAHATI

2:SMTI PRIMI KURMI
W/O SRI BINOD KURMI
R/O VILL SOLABASTI
PO BOKAJAN
MOUZA GOROIMARI
PS TEZPUR
DIST SONTIPUR
PIN 784105
ASSA

Advocate for the Petitioner : MR Z KAMAR, MR S J CHOUDHURY,P D CHOUDHURY

Advocate for the Respondent : PP, ASSAM, MR. S. K. CHAKMA(R2),N K TONGCHANGYA(R2),MR A.K. HAJONG(R2),MR I CHAKMA(R2),MS. D GHOSH(R2)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 13-10-2026

Heard Mr. Z. Kamar, learned Senior Counsel assisted by Mr. S. J. Choudhury, learned counsel appearing for the accused applicant. Also heard Mr.

K. K. Parashar, learned Additional Public Prosecutor for the State and Ms. D. Ghosh, learned counsel appearing for the respondent No. 2/informant.

2. This is an application under Section 482 of the BNSS, 2023, praying for grant of pre-arrest bail to the accused applicant in connection with Azara P.S. Case No. 126/2026, under Sections 115(2)/64(2)(f)/238/351(2) of the BNS, 2023 read with Section 6 of the POCSO Act, 2012.

3. The allegations contained in the FIR dated 03.09.2026 pertain to the commission of rape and other acts of physical abuse of the victim, stated to be 16 years of age, who was working as a maid in the house of the accused applicant.

4. A coordinate Bench of this Court, vide order dated 16.09.2026, had granted interim pre-arrest bail to the accused applicant, with a direction to the accused applicant to appear before the Investigating Officer within 10 (ten) days.

5. Mr. Kamar, learned Senior Counsel for the accused applicant submits that, in compliance with the aforesaid direction, the accused applicant has already appeared before the Investigating Officer and is cooperating with the investigation.

6. An objection-affidavit has been filed on behalf of the informant in the instant case and the same is perused.

7. The Case Diary in the instant case has also been received and the same has carefully been perused.

8. Mr. Kamar, learned Senior Counsel appearing for the accused applicant submits that the victim girl was, in fact, working as a domestic help in the house of the accused applicant and that, on the night of 24.08.2026, the victim girl

attempted to elope with a boy. They were found by the villagers, whereafter the victim girl was handed over to the police, however, the boy fled from the place. He submits that, in connection with the aforesaid incident, the accused applicant had already lodged an FIR before the Officer-in-Charge of Azara Police Station on 30.08.2026, intimating the police about the incident. He submits that the present FIR has been falsely lodged by the informant, implicating the accused applicant in the instant case. He further submits that the accused applicant is a government servant and being a responsible person, he will cooperate with the investigation.

9. On the other hand, Mr. K.K. Parashar, learned Additional Public Prosecutor, opposes the prayer for pre-arrest bail of the accused applicant, submitting that sufficient materials are available against the accused applicant in the instant case.

10. Ms. Ghosh, learned counsel appearing for the informant has also opposed the prayer for pre-arrest bail of the accused applicant, submitting that the accused applicant, being an influential person, may influence the victim in the event of being granted bail in the instant case. She further submits that the victim girl is a minor and in support of the same, learned counsel has produced a certificate issued by the Child Development Project Officer, Balipara ICDS Project, Balipara, Sonitpur, dated 12.10.2026, wherein date of birth of the victim girl, as per the records, is stated to be 08.06.2011. She submits that, as the case involves a minor victim, the accused applicant should not be granted the privilege of pre-arrest bail.

11. This Court has considered the submissions made by the learned counsel appearing for the respective parties and has also carefully perused the materials as well as the statements of the witnesses available in the Case Diary.

12. Taking into account the materials available in the Case Diary, this Court is of the considered opinion that the interim pre-arrest bail granted to the accused applicant should be made absolute.

13. Accordingly, the instant anticipatory bail application stands disposed of by making the interim pre-arrest bail granted to the accused applicant on 16.09.2026 absolute.

JUDGE

Comparing Assistant