GAHC010205622026

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

Case No. : Bail Appln./2828/2026

MD ASAD ALI ALIAS ASHADUL HOQUE
SON OF MD SHARFAT ALI RESIDENT OF VILLAGE NO 1 SARKEY BASTI
POLICE STATION LUMDING DISTRICT HOJAI ASSAM PIN 782446

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR A N IQBAL, MR J I MONDAL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 08-10-2026

Heard Mr. J. I. Mondal, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional PP for the State.

2. This is an application under section 483 of BNSS seeking regular bail for the petitioner, **Md. Asad Ali @ Ashadul Hoque**, who is stated to be in custody

since 30.03.2026, in connection with Lumding PS Case No. 281/2021 under section 376(2)(l) of IPC.

3. The aforesaid case was registered based on an FIR lodged by the father of the alleged victim with allegations of sexual assault upon his daughter suffering from disability, leading to her pregnancy and followed by subsequent birth of the child. Upon completion of investigation, the case was chargesheeted, which resulted in registration of Sessions Case (Type-2) No. 66/2026 which is stated to be at the stage of Trial, during which out of 12 listed witnesses in the chargesheet, 6 PWS have already been examined, including the victim, informant and MO.

4. It is submitted by the learned counsel for the petitioner that the petitioner shall cooperate with the remaining trial. It is submitted that earlier, he had preferred a pre-arrest bail application which was rejected, whereupon, he voluntarily surrendered and was remanded to custody. It is submitted that in the event of the trial going against him, he will abide by the process.

5. Mr. Kaushik, learned Additional PP submits that the trial is not yet competed and the victim in her trial testimony as well as statements before the learned JMFC has implicated the accused petitioner.

6. The scanned TCR has been received and I have perused the relevant paragraphs.

7. I have given my consideration to the matter. The petitioner has been in under trial detention since 30.03.2026. Considering that aspect of the matter, as well as the progress of the Trial, importantly, the examination of the victim,

informant and MO – I am of the considered view that the petitioner can be granted bail at this stage subject, however, subject to suitable conditions, as the question of guilt has not yet been decided.

8. In such view of the matter, the petitioner is allowed to go on bail on furnishing a bail bond of Rs. 50,000/- (Rupees fifty thousand only) with one surety of like amount to the satisfaction of the concerned Sessions Judge, Hojai with the following conditions that :-

(i) He shall not abscond;

(ii) He shall be available for the remaining trial;

(iii) He shall not intimidate, harass or harm the informant and witnesses;

(iv) He shall not intimidate, harass or harm the family members of the informant;

9. In case of violation of any of the bail conditions, the bail would be liable to be cancelled.

10. A copy of this order shall be sent to the OC of Lumding P.S. and the bail conditions may be brought to the notice of the informant.

JUDGE

Comparing Assistant