GAHC010206052026

2026:GAU-AS:15520

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

Case No. : Bail Appln./2895/2026

DIBYAHAH DAS
S/O- PRADIP KUMAR DAS, R/O- VILLAGE- KURUWABAHI, P.S.- SAMAGURI, DISTRICT- NAGAON, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:MONSUMI BORAH
W/O- LT. RAJU DAS
R/O- VILLAGE. HAHSORA
P.S.- SAMAGURI
DISTRICT- NAGAON
ASSA

Advocate for the Petitioner : MR S HUSSAIN, A JUBARIA,MR. H RAHMAN

Advocate for the Respondent : PP, ASSAM, MS. K BHATTACHARYYA (LEGAL AID COUNSEL FOR R-2)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 13.10.2026

Heard Mr. S. Hussain, learned counsel for the accused applicants. Also

heard Mr. K.K. Parasar, learned Additional Public Prosecutor appearing for the State as well as Ms. K. Bhattacharya, learned legal aid counsel appearing for the respondent No.2.

2. This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 whereby the petitioner, **Dibyahah Das,** has prayed for granting him bail after he was arrested in connection with Special POCSO Case No.106/2026 pending before the Additional Sessions Judge-cum-Special Judge, POCSO Nagaon, Assam arising out of Samaguri P.S. Case No.91/2026 registered under Sections 64(1) of the BNS, 2023 read with Sections 6, 14 and 15 of the Protection of Children from Sexual Offences Act, 2012.

3. An FIR was lodged on 11.04.2026 by the mother of the victim girl alleging that her 17 year old daughter was sexually exploited by the accused applicant. It is also alleged that after commission of the offence, the accused applicant has also recorded the video in his mobile and the same was later on uploaded in her daughter's instagram I/D.

4. On receipt of the FIR, police registered Samaguri P.S. Case No.91/2026 under the aforementioned Sections.

5. The learned counsel appearing for the accused applicant submits that the victim and the informant in the instant case have already been examined and the accused applicant is behind the bars for the last 182 days and therefore, taking into account the detention, the accused applicant should be granted bail.

5. The learned Additional Public Prosecutor as well as Ms. K. Bhattacharya, learned legal aid counsel has opposed the prayer for bail.

7. Case diary is being received and this Court has considered the submissions made by the learned counsel for the parties.

8. Taking into account the prima facie incriminating materials against the accused applicant, this Court is not inclined to grant bail to the accused applicant at this stage.

9. Accordingly, the bail application stands rejected.

JUDGE

Comparing Assistant