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

Case No. : Bail Appln./3057/2026

SANIDUL ISLAM
S/O RAKMAN ALI, R/O VILLAGE PALHAZI, P.S. BARPETA, DISTRICT BARPETA, ASSAM

VERSUS

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

2:BURHAN ALI
S/O ABUL HUSSAIN
R/O VILLAGE GAROIMARI HABI
P.O. PALHAZI
P.S. BARPETA
DISTRICT BARPETA
ASSA

Advocate for the Petitioner : MR. R ALI, MR. MUSTAFA HUSSAIN,N PERVIN,MR H A AHMED

Advocate for the Respondent : PP, ASSAM, MR M H AHMED(R2),I AMIN(R2)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 14.10.2026

Heard Mr. R. Ali, learned counsel, appearing on behalf of the accused-

applicant. Also heard Mr. K.K. Parasar, learned Addl. P.P., representing the State respondent as well as Mr. M.H. Ahmed, learned counsel for the respondent no. 2.

2. This is an application filed under Section 483 of the BNSS, 2023, praying for grant of bail to the accused-applicant in connection with Spl. POCSO Case No. 48/2026, registered under Sections 64/77/351(2) of BNS, 2023, read with Section 4 of POCSO Act, 2012, arising out of Barpeta P.S. Case No. 122/2026, pending before the learned court of Addl. Sessions-cum-Special Judge (POCSO), Barpeta.

3. An FIR was lodged on 17.04.2026 before the Officer In-charge Barpeta Police Station by the informant, alleging that on 09.01.2010, his daughter, who was studying in Class-X, developed a love affair with accused no. 1. The accused no. 1 after inducing and assuring her of marriage, developed physical relationship with her without consent and he had also made an obscene video of the girl, which are objectionable in nature. It is alleged that the accused no. 1 has also threatened to kill her if she reveals the incident to anybody else. It is also alleged that accused no. 1 made the video viral in a WhatsApp group, and destroyed the future of the daughter of the informant.

4. On receipt of the FIR, police registered Barpeta P.S. Case No. 122/2026, under the aforementioned sections.

5. The learned counsel appearing for the accused-applicant submits that accused-applicant and the victim girl were, in fact, in a love relationship, and the victim girl had voluntarily came with the accused-applicant. He further submits that whatever physical relationship had happened were consensual in nature. He further submits that 5 witnesses out of 12 witnesses have been examined till date, and since the accused-applicant is behind the bars since 19.04.2026, taking into account his long detention and the time that may be taken in completion of the trial, this court should grant bail to the accused-applicant.

6. The learned Addl. PP, on the other hand, opposes the prayer of the bail, stating that there are sufficient incriminating materials against the accused-applicant of his involvement in the instant case.

7. Mr. Ahmed, the learned counsel appearing for the respondent no. 2, submits that the accused-applicant has been threatening the victim girl and his family with dire consequences if he comes out on bail. He submits that due to such threatening, the informant has already submitted a complaint before the learned Trial Court on 18.08.2026 and therefore, he opposes the prayer of bail of the accused-applicant at this stage.

8. This court has considered the submissions made by the counsel for the respective parties, and has also gone through the materials available on record.

9. Taking into account the facts of the case and finding sufficient *prima facie* incriminating materials against the accused-applicant, and also taking into account of the fact that that there are some allegations of threatening by the accused-applicant, this court is not inclined to grant bail to the accused-applicant at this stage, and accordingly, the instant bail application is rejected.

JUDGE

Miriam Degu
(SPA)