GAHC010220242026

2026:GAU-AS:15798

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

Case No. : Bail Appln./3084/2026

SAJID AHMED
SON OF LATE SIRAJ UDDIN, RESIDENT OF VILLAGE TALTOLA,
KANKARCHAK, P S AND DISTRICT SRIBHUMI, ASSAM.

VERSUS

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

2:NAZIM UDDIN
SON OF LATE TASIR UDDIN
RESIDENT OF VILLAGE ALOMKHANI THAMUA
P S NILAMBAZAR
DISTRICT SRIBHUMI
ASSA

Advocate for the Petitioner : MR H R CHOUDHURY, MS G TALUKDAR,Z HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

Date : 15.10. 2026

Heard Mr. H.R. Choudhury, learned counsel appearing for the petitioner. Also heard Mr. B. Sarma, learned Addl. P.P for the State of Assam.

2. This is an application under Section 483 of the BNSS, 2023 for granting regular bail to the petitioner, namely, Sajid Ahmed, in connection with Special Sessions (P) Case No. 59/2025 under Section 126 (2)/ 75 (2)/ 70 (2) BNS read with Section 6 of POCSO Act arising out of Nilambazar P.S. Case No. 84/2025 under Section 126 (2)/ 75 (2)/ 54/ 64 BNS R/W section 4/ 17 of Protection of Children from sexual offences Act, 2012 (POCSO) pending before the learned Sessions Judge, Sribhumi.

3. The learned counsel for the petitioner has submitted that the petitioner and the victim and the informant have settled their disputes within themselves and, as would be seen from the records place before this Court along with the bail petition, by the order dated 23.09.2026, the learned Sessions Judge, Sribhumi had recorded that the informant and the victim had made their appearance and stated their "no objection" for grant of bail to the petitioner herein. He has further stated that the bail application of the petitioner had been rejected only on the ground that this Court had rejected the bail application of the petitioner on an earlier occasion.

He has submitted that the learned Trial Court did not take into account the fresh circumstances.

4. The Case Diary is yet awaited, and further, the service report on the respondent No.2 is also awaited.

5. At the request of the learned counsel for the petitioner, the present bail petition is closed granting liberty to the petitioner to file fresh bail application before the learned Trial Court, wherein all grounds including the ground that the informant and the victim had expressed "no objection" for grant of bail could be taken up.

6. The learned Trial Court shall, on such an application being filed, consider the same on the merits of the submissions in the bail petition and at the hearing, and shall decide the same taking into consideration the "no objection" given by the victim and the informant, if any, and decide the same on merits.

7. The learned Trial Court shall not be influenced by any of the events, including rejection of the bail prayer of the petitioner prior to the informant of the victim given their 'no objection'.

8. The learned Trial Court shall be at liberty to verify the "no objection" granted by the victim and informant.

9. The bail application, if filed, shall be decided on their own merit.

10. The bail application is accordingly closed.

JUDGE

Comparing Assistant