

GAHC010287202025



DB

2026:GAU-AS:2971-

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

Case No. : I.A.(Crl.)/1387/2025

JINTU DEKA
S/O. SRI LAKHESWAR DEKA,R/O. KAMARPUR, P.S.
PRAGJYOTISHPUR,DISTRICT KAMRUP (M), ASSAM.

VERSUS

THE STATE OF ASSAM, AND ANR
REPRESENTED BY THE PUBLICPROSECUTOR, ASSAM.

2:TRAILUKYO SAIKIA
S/O. LATE MAHIDHAR SAIKIA
ASI OF POLICEC/O. DHING POLICE STATIONDISTRICT NAGAON
ASSAM

Advocate for the Petitioner : MR. Y SIKDAR, MR D J DAS,MR K TALUKDAR

Advocate for the Respondent : PP, ASSAM,

Linked Case : Crl.A./452/2025

JINTU DEKA
S/O. SRI LAKHESWAR DEKA
R/O. KAMARPUR
P.S. PRAGJYOTISHPUR
DISTRICT KAMRUP (M)
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLICPROSECUTOR
ASSAM.

2:TRAILUKYO SAIKIA

S/O. LATE MAHIDHAR SAIKIA
ASI OF POLICE/O. DHING POLICE STATION/DISTRICT NAGAON
ASSAM.

Advocate for : MR. Y SIKDAR
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 26/02/2026
(*Michael Zothankhuma, J*)

1. Heard Mr. Y. Sikdar, learned counsel for the applicant/appellant and Mr. R.R. Kaushik, learned APP, Assam, appearing for the State.
2. This application under section 430 BNSS, is for suspension of the sentence imposed upon the applicant/appellant, who has been convicted under section 6 of the POCSO Act read with section 9 of the Prevention of Child Marriage Act and section 323 IPC, by the Court of the Additional Sessions Judge cum Special Judge (POCSO), Kamrup at Guwahati, vide judgement and order dated 19/11/2025 passed in Special Case No. 280/2024, arising out of Pragjyotishpur PS case No. 97/2024.
3. The applicant/appellant's counsel submits that the appellant had married the victim and they had been living together as husband and wife. This was known to everyone in the neighbourhood. However, due to a quarrel that had taken place between the couple, the mother of the victim had filed a complaint before the Police regarding the quarrel between the couple, which also allegedly involved some physical altercation. However, the Police added a case of penetrative sexual assault on the ground that the victim was a minor, which is disputed by the applicant/appellant. He submits that the mother of the victim and the victim have also written a letter stating

that the case should be dropped against the applicant.

4. Mr. R.R. Kaushik, learned APP, Assam, submits that the victim is a minor and as such, there is no question of obtaining any consent for cohabiting as husband and wife between the appellant and the victim.

5. We have considered the submissions of the counsels for the parties.

6. It is not disputed that the appellant and the victim lived as husband and wife and that the Police had registered this case under the POCSO Act, Prevention of Child Marriage Act and IPC, due to a complaint submitted by the victim's mother regarding the physical altercation that had taken place between the couple.

7. Considering the fact that the Trial Court Records have not been received till date, which would require preparation of Paper Book and as the final disposal of the appeal would take some time, besides keeping in view the fact that the appellant has been in judicial custody for some time, we are of the view that the applicant should be released on bail.

8. The applicant is accordingly released on bail on furnishing a bond of Rs. 20,000/- (twenty thousand), with one surety of like amount to the satisfaction of the learned Trial Court. Consequently, the sentence imposed upon the applicant pursuant to the impugned judgement and order dated 19/11/2025 passed in Special Case No. 280/2024, is hereby suspended, till final disposal of the appeal.

9. The IA is accordingly disposed of.

JUDGE

JUDGE

Comparing Assistant