



Serial No. 03
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA No. 52 of 2024

Date of Decision: 18.11.2024

Shri. Habizur Rohman son of Maham Ali
resident of Teporpara, P.S Ampati,
South West Garo Hills Meghalaya

.....Petitioner

-VERSUS-

1. State of Meghalaya
represented by the Learned Public Prosecutor
2. Shri. Ohet M Marak son of (L) Jangson G. Momin,
resident of Rongdu Rongtit,
P.S. Rongjeng, East Garo Hills District,
Meghalaya

.....Respondents

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	: Mr. L.N. Areng, Adv.
For the Respondent(s)	: Mr. N.D. Chullai, AAG with Mr. E.R. Chyne, GA

i)	Whether approved for reporting in Law journals etc.:	Yes/No
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ii)	Whether approved for publication in press:	Yes/No
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ORDER (ORAL)

1. Heard Mr. L.N. Areng, learned counsel for the petitioner who has submitted that this bail application is the second of its kind filed



before this Court with similar prayer for grant of bail on behalf of the accused person, Shri. Rofiquel Islam who is in custody in connection with Special POCSO Case No. 9 of 2023 pending before the court of the learned Special Judge (POCSO), East Garo Hills, Williamnagar.

2. The learned counsel has submitted that this is a case where 4(four) accused persons are said to be involved on the allegation that the survivor was kidnapped, raped and sold and finally was made to get married by the accused person and his associates. However, the minor survivor managed to flee from the abductors and was brought home. Thereafter, an FIR was lodged by the father of the survivor leading to the registration of Rongjeng P.S. Case No. 31(10) 2015 under Section 363/366/366A/370/370A/34 IPC read with Section 5(g)(l)/6 POCSO Act. After investigation was over, the case has been charge sheeted with the accused person in question being made to stand trial along with other accused persons.

3. It is also the submission of the learned counsel for the petitioner that the stage of the case is for recording of evidence, however, no prosecution witnesses have been examined so far. The only ground raised by the learned counsel for the petitioner is that out of the 4(four) accused persons being implicated in the case, two of them have since been enlarged on bail and accordingly on ground of parity the prayer is made before this Court for grant of bail.

4. Mr. N.D. Chullai, learned AAG, appearing for the State respondent has resisted the prayer on the ground that the petitioner had earlier approached this Court with a similar application being BA No. 6 of 2024 and this Court on consideration of the facts and circumstances therein had vide order dated 12.06.2024 rejected the petition. Since



there is no change of circumstances, therefore, the petitioner has no ground to come before this Court with a similar or identical application, as such, this application being devoid of merits, the same is prayed to be dismissed.

5. This Court on consideration of the submission made and also on perusal of the order dated 12.06.2024 (supra) as pointed out by the learned AAG, has noted the observation made at para 9 of the same and is being reproduce herein as:-

“9. This Court on consideration of the submission made and on perusal of the petition in hand including the statement of the survivor as well as the brief narration of the facts and circumstances filed by the I/O, without repetition of the facts as indicated therein would agree that the case is one which is very serious in nature. In fact, if proved to be true, the manner in which the minor was subjected to sexual assault and degradation of her personality, the Court or even the society at large would not condone such action by the accused persons involved including the accused person in question.”

6. After considering the circumstances of the case and the fact that the statement of the survivor is very convincing as to what had happened to her, the accused person in question being named as one of the accused persons being involved in the whole episode, therefore at this point of time this Court is not convinced that there are fresh circumstances which would allow a relook into the said order dated 12.06.2024.

7. Accordingly, this petition is hereby dismissed as devoid of merits.

8. Petition disposed of. No costs.

Judge