



Serial No. 04
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

AB. No. 1 of 2025

Date of Decision: 06.02.2025

Shri. Lobilian Marpna,
 Wife of (L) Lumstarwell Kharshandi,
 Resident of Mawsynram Dongneng
 East Khasi Hills District, Meghalaya.

.....Applicant

- Vs-

1. State of Meghalaya
 represented by Chief Secretary,
 Government of Meghalaya.
2. Investigating Officer (IO),
 Mawsynram Police Station,
 East Khasi Hills District,
 Meghalaya.

.....Respondents

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. S.K. Nongrum, Adv.
 Mr. A.M. Pala, Adv.

For the Respondent(s) : Mr. K. Khan, PP with
 Mr. J.N. Rynjah, GA.
 Mr. S. Sengupta, Addl. PP.



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

1. Heard Ms. S.K. Nongrum, learned counsel for the applicant.
2. Mr. K. Khan, learned PP assisted by Mr. J.N. Rynah, learned GA and Mr. S. Sengupta, learned Addl. PP for the State respondents has produced the latest status report filed by the Investigating Officer, the same is hereby brought on record and marked as Annexure-X. It is the submission of the learned PP that the accused person in question i.e. Shri. Lasterfield Bortiew is said to be involved in connection with Mawsynram P.S. Case No. 01(01) 2025 under Section 5(j)(ii)/6 of the POCSO Act.
3. The learned PP also submits that the accused person, on being summoned by the Investigating Officer, has duly appeared, and is cooperating with the ongoing investigation. It is the further submission of the learned PP that this would indicate that the Investigating Officer in all probability will not choose to arrest the said accused person, unless he fails to cooperate with the ongoing investigation. He, however submits that there is no strong objection if any order is passed in favour of the accused person



as far as this instant application is concerned.

4. This Court on consideration of the submission made, is in agreement with the learned PP to say that the tone and tenor of the status report of the Investigating Officer would indicate that there is no likelihood of the accused person to be arrested.

5. Be that as it may, as far as this Court is concerned, considering the total facts and circumstances as could be seen from the petition in hand, that is, the relationship of the accused person with the survivor and also with the complainant, it will not be out of place to allow the prayer made.

6. Accordingly, in the event of his arrest, the accused person in question is to be released on bail on the following conditions that:

- i) He shall not abscond or tamper with the evidence and witnesses;
- ii) He shall bind himself on a personal bond of ₹ 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the Trial Court;
- iii) He shall appear before the Investigating Officer as and when required; and



iv) He shall not leave the jurisdiction of the State of Meghalaya without the permission of the Investigating Officer.

7. Needless to say, it is open to the Investigating Officer to file an appropriate application before the Trial Court for seeking arrest of the accused person in question in case he fails to cooperate with the investigation.

8. In view of the above, this application is accordingly disposed of.

Judge