



Serial No. 03
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 7 of 2025

Date of Decision: 13.02.2025

Smti. Balkame Sangma,
S/o Arseng T. Sangma (Accused Person)
R/o Bawegre Baljek Agal Jengjal,
West Garo Hills District,
Meghalaya.

.....Petitioner

- Vs-

1. The State of Meghalaya
represented by Secretary,
Department of Home & Police Affairs,
Meghalaya, Shillong.
2. The Superintendent of Police,
West Garo Hills District,
Meghalaya.
3. Investigating Officer, Rongram P.S.
West Garo Hills District,
Meghalaya.
4. Officer-in-Charge, Rongram P.S.
West Garo Hills District,
Meghalaya.
5. Shri. Ivan R. Marak,
R/o Rongbakgre P.O & P.S. Rongram,



West Garo Hills District,
Meghalaya.

.....**Respondents**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. P.T. Sangma, Adv.

For the Respondent(s) : Mr. K. Khan, PP. with
Mr. S. Sengupta, Addl. PP.
Mr. A.H. Kharwanlang, Addl. PP.
For R 1-4.

i)	Whether approved for reporting in Law journals etc.:	Yes/No
----	---	--------

ii)	Whether approved for publication in press:	Yes/No
-----	---	--------

JUDGMENT AND ORDER (ORAL)

1. Heard Mr. P.T. Sangma, learned counsel for the petitioner, who has submitted that this application has been filed under Section 187(3)(i) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for grant of default bail on behalf of the accused person, Shri. Arseng T. Sangma.

2. At the outset, the learned counsel has also submitted that through inadvertence, the name of the complainant i.e. respondent No. 5 has been added in the array of parties herein, when actually, the said



respondent is not a necessary party, inasmuch as, this petition is on the ground of compliance of statutory provisions of the said Code, and as such, even, if the respondent is in attendance before this Court, the exercise would be futile. It is prayed that the name of the respondent No. 5 be struck off from the array of parties herein.

3. It is the case of the petitioner that the respondent No. 5 herein had lodged a missing person report on 06.10.2024 before the Officer-in-Charge, Rongram Outpost, West Garo Hills with the information that his minor daughter had left home in the morning and had not returned home since then.

4. An inquiry was made, and thereafter, a case was registered as Tura Women P.S. Case No. 109 of 2024 under Section 137(2)/63(vi)/64(b)(m) BNSS read with Section 5(c)(l)/6 POCSO Act.

5. In course of investigation, the brother of the petitioner namely, Shri. Arseng T. Sangma was arrested on 07.10.2024 in connection with the said case.

6. Having been incarcerated in judicial custody for about 127 days, the charge sheet not having been filed by the Investigating Officer, the petitioner has now approach this Court with this instant petition under



Section 187(3)(i) of the BNSS, seeking release of the accused person on default bail.

7. Mr. K. Khan, learned PP assisted by Mr. S. Sengupta and Mr. A.H. Kharwanlang, learned Addl. PP for the State respondent Nos. 1-4, in all fairness, has not objected to the prayer of the petitioner, particularly as regard the reliance for grant of default bail under the relevant provision of the BNSS, since records have also indicated that after the expiry of the statutory 90 days period, the Investigating Officer has not made any further prayer for extension of time to file the charge sheet and for further remand of the accused person in custody.

8. On consideration of the submission made, without going into the merits of the case of the petitioner, since it is apparent that the accused has been lodged in custody for an offence which requires maximum detention of 90 days without filing of the charge sheet, but the Investigating Officer, failing to file charge sheet after the expiry of 90 days, therefore, under such circumstances, the accused acquires the right to be enlarged on default bail.

9. In this regard, it may be out of place to reproduce the relevant provisions of Section 187(3)(i) of the BNSS which reads as follows:



“187. Procedure when investigation cannot be completed in twenty-four hours. – (3) The Magistrate may authorize the detention of the accused person, beyond the period of fifteen days, if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorize the detention of the accused person in custody under this sub-section for a total period exceeding –

(i) ninety days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of ten years or more.”

10. In view of the submission of the parties herein and the application of the relevant provisions of law as regard default bail, this Court is accordingly inclined to allow the prayer of the petitioner.

11. The accused person, Shri. Arseng T. Sangma is directed 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 ₹ 30,000/- (Rupees thirty thousand) only with one surety of like amount to the satisfaction of the Trial Court;
- iii) He shall not leave the jurisdiction of the State of Meghalaya without prior permission of the Investigating Officer; and
- iv) He shall appear before the court as and when required.



12. In view of the above, this petition is disposed of accordingly.

Judge