



Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA No. 14 of 2025

Date of Decision: 15.05.2025

Shri Daud Peterson,
R/o Umiam Project Sumer,
Ri Bhoi District
Meghalaya

.....Accused person

Through:

Smti. Balbinder Singh
W/o Shri. Daud Peterson,
R/o Umiam Project Sumer,
Ri Bhoi District
Meghalaya

.....Petitioner

VERSUS

1. State of Meghalaya
Represented its Secretary (Home) Police Department
Govt. of Meghalaya
2. In Charge, WPSI
Umiam P.S
Ri Bhoi District
3. Smti. "X"
(Complainent)
C/o Umiam P.S.
Ri Bhoi, Meghalaya

.....Respondents

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge



Appearance:

For the Petitioner/Appellant(s) : Mr. R. Gurung, Adv.
Ms. A. Chettri, Adv.

For the Respondent(s) : Mr. K. Khan, P.P with
Mr. H. Kharmih, Addl. P.P
Mr. S. Sengupta, Addl. P.P
Ms. S. Bhattacharjee, GA (For R 1 & 2)
Ms. S. Nongsiej, Legal Aid Counsel
(For R 3)

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

JUDGMENT (ORAL)

1. Heard Mr. R. Gurung, learned counsel for the petitioner. Also heard Mr. K. Khan, learned P.P for the State and Ms. S. Nongsiej, learned Legal Aid Counsel for the respondent/complainant.

2. It is the submission of the learned counsel for the petitioner that this application has been filed with a prayer for release of the accused person, Shri. Daud Peterson on bail, the accused being arrested on 27.11.2024 in connection with Nongpoh Women P.S. Case No. 72(10)2024 under Section 7/8 and 9(m)/10/11(iii)/12 POCSO Act.

3. The registration of the said case being the outcome of an FIR lodged before the Umiam Police Station by the complainant/respondent No. 3 to the extent that her minor daughter aged about 9 years was molested by the accused person at his residence on 27.10.2024 when her minor daughter had gone to his residence. This incident was known to the complainant and her husband only on 25.11.2024 when the father of the minor realized that



on his mobile phone is found certain adult sites and on inquiry about it from his minor daughter, she revealed that it was the accused person who has shown her the video and has eventually molested her by touching her inappropriately in certain parts of the body. The accused person had even gone to the extent of seeking sexual intercourse with the said minor child. On the basis of such FIR, the accused person was taken into custody and is still in custody till date.

4. This application has been preferred by the wife of the accused person who has approached this Court, firstly, on the ground that the case against the accused person has already proceeded to the stage of trial with the charge sheet filed and one witness who is the survivor being examined and discharged, about six more witnesses remained to be examined in this case. This being the case, it is submitted that the trial may not be able to be completed in a few months' time and for such prolong period, the accused person may be allowed to be enlarged on bail.

5. The learned counsel has also submitted that on perusal of the materials on record, including the charge sheet wherein is found the statement of the survivor recorded under Section 183 BNSS and compared to her deposition in court as PW1, it is seen that improvement has been made as far as her narration is concerned to the extent that apart from the allegation that the inappropriate video content was shown to her, the statement of the survivor that the accused has also inserted his finger in her vagina is not a fact inasmuch as if such an act has been committed it would have resulted in her hymen to be torn which is not the case if one go through the relevant medical report of the survivor.



6. The learned counsel has also submitted that there is also enmity between the family of the accused person and the family of the complainant and as such, false allegation cannot be ruled out. The antecedent of the accused person has also been stressed inasmuch as the learned counsel has submitted that the accused is a respectable person in the community who is also a Church elder and it is not expected of him to exhibit such behaviour as has been alleged and as such, under such circumstances, the accused person may also be enlarged on bail with any conditions that this Court may deem fit and proper to impose.

7. Ms. S. Nongsiej, learned Legal Aid counsel for the respondent/complainant has submitted that the complainant is strongly opposing to the prayer made by the petitioner since the whole incident had taken a toll on the survivor wherein whenever she recalls the incident, she would exhibit fear and is traumatized by such recollection. The fact that the accused person is also a neighbour of the family of the survivor is another aspect to be considered since if enlarged on bail, there is every possibility that the accused would come into contact with the survivor and her family members. On this ground, it is prayed that this petition may not be allowed.

8. Mr. K. Khan, learned P.P appearing for the State respondent has submitted that on the basis of the materials on record and the evidence of the survivor, it is clear that a prima facie case has been made out against the accused person and as to the allegation of delay in the trial, since the date when the accused person was arrested till date, only about six months or so have gone by, accordingly the learned P.P has also opposed the prayer made by the petitioner.



9. This Court has gone through the petition and the documents annexed, including the deposition of the survivor, copy of which has been produced by the learned counsel for the petitioner today. Facts as stated above, may not be repeated. What is to be considered is the fact that the case against the accused person is under trial. Admittedly, there are seven prosecution witnesses to be examined. The survivor being one of them, her deposition has been recorded by the trial court and she was discharged.

10. The allegation made in the FIR and from the statement of the survivor herself, it would reveal that such allegations are serious in nature irrespective of the ultimate period of sentence, if convicted, which according to the learned counsel for the petitioner would be below 7 years or so. The fact remains that any allegation of crime or offences against children and women has to be taken seriously, granted this Court at this stage would not venture to appreciate the evidence on record as that would be the duty of the trial court. However, on the contention of the learned counsel for the petitioner that the trial has been delayed inordinately, such contention would hold no water, since as has been indicated, even from the date of his arrest till date, the period undergone is only six months or so. The trial court has not shown any neglect in its duty as far as the proceedings is concerned since the provision of Section 35 of the POCSO Act has been taken note of by the trial court, such provision being that the period of recording of evidence of a child and disposal of the case should ordinarily be done so within 30 days and trial to be completed within 1(one) year. Accordingly, this portion of the submission cannot be accepted by this Court.

11. As to the apprehension of the complainant, as far as proximity of



the accused person with the survivor and her family members are concerned, the submission of the learned counsel for the petitioner that if enlarged on bail he will relocate himself and not come into contact with the survivor though taken note of, such submission lack sufficient details.

12. The learned counsel has also made a reference to an order passed by this Court in the case of Bashanbha Syngkli v. State of Meghalaya represented through Secretary and Commissioner and Ors. reported in 2024 SCC Online Megh 470, particularly at para 5 wherein this Court considering the facts and circumstances of the case therein had granted bail on the ground of delay in trial. However, as pointed out, this authority would not come to the aid of the petitioner since the case in hand has just proceeded over a period of 6(six) months or so. Under such circumstances, this Court is of the opinion that the petitioner has not been able to make a case for grant of bail.

13. Accordingly, petition is dismissed and stands disposed of.

Judge