



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 17 of 2025

Date of Decision: 05.05.2025

Smti. Sabina M. Marak,
W/o Shri. Sopon R. Sangma,
R/o Umniang Village,
East Khasi Hills District,
Meghalaya.

.....**Petitioner**

- Vs-

The State of Meghalaya
Represented by the Commissioner
& Secretary, Home Department
Government of Meghalaya,
Shillong

.....**Respondent**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	: Mr. S.M. Suna, Adv.
For the Respondent(s)	: Mr. H. Kharmih, Addl. PP. Mr. K.P. Bhattacharjee, GA. for R 1. Ms. N.M. Kharshemlang, Adv. for R 2,3&4.

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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JUDGMENT AND ORDER (ORAL)

1. Heard Mr. S.M. Suna, learned counsel for the petitioner, who has submitted that the petitioner is the wife of Shri. Sopon R. Sangma, who is an accused undergoing trial in Sessions Case No. 20 (T) 2024 under Section 376 (1)(n)/506 IPC.

2. The learned counsel has also submitted that the genesis of the case is the FIR lodged by the respondent Nos. 2, 3 & 4 to the Officer-in-Charge, Mawsynram Police Station, East Khasi Hills on 02.01.2024, wherein it was alleged that the accused, husband of the petitioner had committed sexual assault and rape on the daughter of the respondent No. 2. Accordingly, the Officer-in-Charge, Mawsynram Police Station, on receipt of the said FIR, had registered a case being Mawsynram P.S. Case No. 01 (01) 2024 under Section 376 (1)(n)/506 IPC.

3. Eventually, on 12.03.2024, the learned counsel submits that the charge sheet was filed by the Investigating Officer, to the extent that the opinion of the Investigating Officer indicates that a prima facie case is well made out against the accused person for him to stand trial before the competent court of jurisdiction. Accordingly, the trial proceeded, and at this point of time, out of 13(thirteen) witnesses, 10(ten) of them have since been examined.



4. The learned counsel for the petitioner has however submitted that since the date when the FIR was filed, the accused person has been incarcerated in custody till date inspite of bail applications being preferred before the Trial Court which were rejected. At this point of time, the learned counsel would submit that the trial having been taken for a long time, therefore, for such reason, he prays that the accused person may be allowed to be enlarged on bail.

5. Another aspect of the matter as contended by the learned counsel is that, in course of these proceedings, the Investigating Officer had filed a supplementary charge sheet to bring on record the DNA report and also for addition of additional witness (witnesses), and as such, the trial is not likely to be completed in the near future.

6. As to the allegation of the complainants that, if enlarged on bail, the accused person would threaten or intimidate the victim and her family members, the learned counsel submits that a categorical statement has been made at para 6 of this petition to say that, if enlarged on bail, the family members of the accused person have taken it upon themselves to allow the accused person to reside at the residence of his in-laws at Lamalong village Mawhati village, Ri-Bhoi District which is far away from the residence of the victim.



7. It is the further submission of the learned counsel that the question of threatening the victim or witnesses or tampering with the evidence, would not come at this stage, since many of the relevant witnesses including the victim have already deposed before the court. In support of his contention, the learned counsel has referred to the case of Sanjay Chandra v. CBI reported in (2012) 1 SCC 40 at para 26, wherein the Hon'ble Supreme Court had opined that, if the trial of a case is likely to take a long time, then the accused person is entitled to bail under such circumstances.

8. The case of Arjun Jalba Ichke v. The State of Maharashtra & Anr was also cited by the learned counsel, wherein the Hon'ble Supreme Court vide order dated 17.01.2025 passed in SLP(CRL.) No. 13521 of 2024 at para 9 and 10 of the same, while allowing the accused person therein to go on bail, has inter alia, imposed a condition that the accused person shall not visit or reside in the vicinity of the residence of the victim and her family, but he shall cooperate with the trial of the case.

9. On the grounds cited above, the learned counsel prays that this petition may be allowed with any conditions to be imposed by this Court.

10. Per contra, Mr. H. Kharmih, learned Addl. PP on behalf of the State respondent No. 1, has strongly opposed the prayer made, and has submitted that there is no question of delay in the trial of the case since the



charge sheet after having been filed on 12.03.2024, about 10(ten) witnesses have been examined so far, and only about 3(three) of them are left including the forensic expert, who would prove the DNA report. It is the further submission of the learned Addl. PP that the fact that the accused person has all along denied his involvement in the alleged offence when evidence would prove to the contrary, is also the ground that the accused person, if enlarged on bail, may try to tamper with the witnesses or intimidate the victim, and for such reason, he prays that the accused person may not be allowed to be enlarged on bail.

11. Ms. N.M. Kharshemlang, learned counsel appearing for the respondent Nos, 2, 3 & 4, who are the complainants, has also supported the contention of the learned Addl. PP, and has submitted that, since the inception of the trial, the accused person has threatened the victim and her family members as well as the village elders and has thus, instilled fear in the community, considering the fact that the victim is a person with disability and having given birth to a child as a result of such sexual assault, that apprehension of fear in case the accused is enlarged on bail, is apparent. It is therefore prayed that this petition may not be allowed.

12. This Court has considered the submission made, and from the facts and circumstances as stated by the learned counsel for the respective



parties, it is understood that the accused person is undergoing trial for the offence of rape under Section 376 (1)(n)/506 IPC. Though, the merits of the case would not be gone into by this Court, however, on the main reliance of the petitioner that the accused person may be enlarged on bail on account of delay in the proceedings before the Trial Court, this Court is of the opinion that such submission cannot be sustained, considering the fact that, since the accused was arrested on 12.01.2024, the investigation was completed well within time for the charge sheet to be filed two months or so after that i.e. in the month of March, 2024.

13. Given that a list of 13(thirteen) prosecution witnesses was submitted and 10(ten) of such witnesses have recorded their evidence before the Trial Court, it is expected that the remaining witnesses would be examined in due course. The reliance of the learned counsel for the petitioner in the case of Sanjay Chandra (supra), would not help much in the peculiar facts and circumstances of this case, since in that case, the court has taken cognizance of the fact that there are a number of witnesses with voluminous documents to be proved, and as such, the delay had prompted the Supreme Court to grant bail in that case.

14. As pointed out, this Court finds that the Trial Court has not delayed in the proceedings. As such, the prayer of the petitioner on this



ground is found not acceptable.

15. Without going into the second aspect of the matter as far as the issuance of threat, etc. is concerned, at this point of time, this Court is not inclined to allow this petition and the same is hereby rejected as devoid of merits.

16. Needless to say, if the trial could not be completed within the next few months or so, it is open to the petitioner to approach this Court for reconsideration of the prayer.

17. With the above noted observations, this petition is accordingly disposed of. No costs.

Judge