



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn. No. 17 of 2025

Date of Decision: 02.09.2025

Shri. Arnab Sen,
Son of (L) Madan Mahan Sen,
Resident of Qtr. No. Type-IV/04,
North East Regional Institute of
Education, Umiam,
Ri-Bhoi District,
Meghalaya.

..... **Petitioner**

- Vs-

1. State of Meghalaya
(Represented by the Investigating
Officer, Woman Police Station,
Nongpoh)

2. Mrs. X

..... **Respondents**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. J.M. Thangkhiew, Adv.
Mr. L. Umdor, Adv.
Mr. D.M. Rani, Adv.

For the Respondent(s) : Mr. N.D. Chullai, AAG with
Ms. Z.E. Nongkynrih, GA.
Mr. K.P. Bhattacharjee, GA. for R 1.

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

Yes/No

JUDGMENT AND ORDER (ORAL)

1. Heard Mr. J.M. Thangkhiew, learned counsel for the petitioner.

2. Also heard Ms. Z.E. Nongkynrih, learned GA for the State respondent No. 1.

3. The learned counsel for the petitioner submits that the petitioner, being aggrieved and dissatisfied with the impugned orders dated 25.02.2025 and 03.03.2025 passed by the learned Special Judge (POCSO), Ri-Bhoi District, Nongpoh in Anticipatory Bail Application No. 1/2025, wherein the petitioner herein had sought for grant of anticipatory bail in connection with Women P.S. Case No. 09 (02) 2025 under Section 7/8 of the POCSO Act, the same being allowed, however, with certain conditions imposed, for which the petitioner is directed to abide by such conditions. One of the conditions being “*iv. The accused person shall not come in proximity of the child pending completion of investigation and disposal of the case*”. It is precisely for modification or alteration of this condition that the petitioner has now approached this Court with this instant petition, seeking relief, inasmuch as, on the ground that the child i.e. his daughter was residing with him since her birth, and as such, there is no question of any animosity or ill-feeling or even danger to the child, if it so happened



that the petitioner comes into contact with her in course of the proceedings before the Trial Court.

4. It is also the submission of the learned counsel that, in the midst of these proceedings before this Court, it has come to the knowledge of the petitioner that the Investigating Officer as far as the said Women police case is concerned, has filed his Final Report being F.R No. 24/2025 dated 11.04.2025 which has effectively brought the investigation to a close. As such, since no further proceedings in the investigation as well as the prosecution of the case is being contemplated, due procedure of law entails that the said Final Report be placed before the concerned court of competent jurisdiction for passing of necessary orders in this regard.

5. The learned counsel has again submitted that till date, no effective order has been passed by the learned Trial Court for formal closure of the case. As such, under the peculiar facts and circumstances of this case, it is prayed that necessary orders may be passed by this Court.

6. The learned GA has also endorsed the submission made by the learned counsel for the petitioner, and has pointed to the status report dated 13.05.2025 as well as the order dated 21.04.2025 passed by the Trial Judge in the said Women P.S. Case No. 09 (02) 2025, wherein is noted that the said Final Report has been acknowledged by the Trial Court.



7. It is the submission of the learned GA that, inspite of several orders passed by the learned Trial Court, requiring the presence or communication of objection or otherwise by the complainant, who has initiated the proceedings in the said Women police case, the complainant has failed to appear before the court.

8. The learned GA has also referred to the order dated 07.08.2025 passed by the Trial Court, wherein the same situation was reflected i.e. inspite of several communications and intimations, the complainant has failed to appear, and that the Trial Court has finally passed an order that the matter will be decided on the next date fixed i.e. on 28.08.2025. However, it appears that the order dated 28.08.2025 is not available with the learned GA. The learned GA also submits that, under such facts and circumstances, this Court may be pleased to pass necessary orders.

9. Due consideration has been given to the submission made by the learned counsel for the parties and the communications produced before this Court as referred to above, has been perused, the facts and circumstances as has been related by the learned counsel for the petitioner is with regard to the order dated 25.02.2025, wherein on being granted interim bail, certain conditions have been imposed upon the petitioner including the said condition at clause iv aforementioned.

10. As far as the investigation of the case is concerned, for all



practical purposes, the Investigating Officer has filed the Final Report, as such, there is no scope of reopening of any investigation, except the complainant files an objection which has not been forthcoming till date. The complainant has failed to appear before the Trial Court, and at this point of time, there can also be an adverse inference to be made by this Court, considering such conduct.

11. Be that as it may, since the Investigating Officer has filed such Final Report with the said observation, it would appear that, even the condition imposed would have no relevance as far as the case of the petitioner is concerned.

12. Accordingly, though this Court would not interfere with the proceedings of the Trial Court, however, as far as the prayer made in this petition is concerned, this Court is of the opinion that the same has merits and is hereby allowed.

13. This petition is hereby disposed of with a direction that the said condition No. iv (supra) is hereby struck off in view of the changed fact situation, vis-à-vis, the investigation thereof of the case.

Judge