



Serial No. 04
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

AB. No. 19 of 2025

Date of Decision: 15.09.2025

SHRI. JAKSRANG CH. MARAK,
aged about 25 years,
S/o Ponial Lyngdoh,
R/o Doldegre, Tura,
West Garo Hills, Meghalaya.

..... **Petitioner/Applicant**

- Vs-

The State of Meghalaya
through the Superintendent of Police,
East Garo Hills District,
Meghalaya.

..... **Respondent**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. L.M. Sangma, Adv.
Mr. W. Khylllep, Adv.

For the Respondent(s) : Ms. S. Ain, GA
Ms. S. Kh. Nongrum, GA.

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. L.M. Sangma, learned counsel for the petitioner/applicant.

2. Also heard Ms. S. Ain, learned GA for the State respondent, who has submitted that, on being directed by this Court, copy of the case diary connected to Williamnagar Women P.S. Case No. 14/2025 under Section 108 BNS, 2023 has been produced before this Court today.

3. It is also the submission of the learned GA that the petitioner/applicant, since the day the FIR was lodged, was found missing inspite of diligent effort made by the police to locate him. It is only when he was granted interim bail on an application filed for grant of anticipatory bail before the Court of the learned District and Sessions Judge, East Garo Hills at Williamnagar that he appeared before the Investigating Officer, and his statement under Section 180 BNSS was accordingly recorded. However, the Trial Court, on consideration of the facts and situation prevalent at that point of time vide order dated 19.08.2025, had rejected the prayer for grant of anticipatory bail.

4. The learned GA further submits that on the petitioner/applicant approaching this Court with a similar application for grant of anticipatory bail, this Court, had in the interim, restricted the police from arresting the



petitioner/applicant, and accordingly, once again, the petitioner/applicant has appeared before the Investigating Officer. However, on perusal of the case diary, what is apparent is that the petitioner/applicant is very much involved in the case and his complicity being evident, therefore, at this point of time, he may not be allowed to be enlarged on bail, if arrested. This petition deserves no merit and the same may be rejected, further submits that learned GA.

5. Mr. L.M. Sangma, learned counsel for the petitioner/applicant, on the other hand, has submitted that it is not the intention of the petitioner/applicant to evade appearance before the Investigating Officer, however, because of the apprehension of imminent arrest, he was compelled to file an application before the Court, seeking grant of anticipatory bail. Though, it is admitted that similar application was rejected by the learned District and Sessions Judge, however, the petitioner/applicant is now before this Court with a similar application on the ground that the apprehension of arrest is still present, and because of this, this application has been preferred.

6. The learned counsel also submits that, pursuant to this Court's order dated 01.09.2025, wherein he was granted interim bail, the petitioner/applicant has appeared before the Investigating Officer on



03.09.2025. Accordingly, it is prayed that this petition may be allowed with any conditions to be imposed by this Court which will be adhered to by the petitioner/applicant.

7. This Court has considered the submission made by the learned counsel for the parties and has perused the petition as well as the case diary, what is apparent is that the Investigating Officer has indicated in course of his investigation that there is evidence against the petitioner/applicant being involved in the case where one minor girl, daughter of the complainant had allegedly committed suicide. The said act having a direct nexus to the illicit relationship between the petitioner/applicant and the deceased, as such, there is every possibility of the petitioner/applicant being held responsible for the abetment of such an act.

8. The fact that the case is still under investigation and the charge sheet not yet filed, the Investigating Officer is therefore allowed to complete his investigation. However, it has been submitted before this Court that till date, the Investigating Officer has noted down the statement of the complainant and some witnesses vital to the case and also the statement of the petitioner/applicant herein.

9. At this point of time, in view of the fact that the Investigating Officer has come to a finding that the petitioner/applicant is involved in the



matter, the fact that the petitioner/applicant is apprehending imminent arrest, is present, therefore, there is cause of action for filing of this instant petition. It is also to be reminded that, more often than not, the principle of bail in criminal jurisprudence is that, “bail is the rule and jail is an exception”. At this juncture, this Court finds no reason for the petitioner/applicant to be incarcerated in custody, if he commits himself to the process, and would undertake that he will not abscond or tamper with the evidence and witnesses, etc. Since these mechanisms are well placed in the system, at this point of time, this Court is inclined to allow the prayer made in this petition.

10. Accordingly, in the event of his arrest in connection with the said Williamnagar Women P.S. Case No. 14/2025, the petitioner/applicant is directed to be released on bail on the following conditions:

- i) That he shall not abscond or tamper with the evidence and witnesses;
- ii) That he shall appear before the Investigating Officer as and when required;
- iii) That he shall not leave the jurisdiction of the State of Meghalaya, except with due permission of the court concerned; and



iv) That 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.

11. Needless to say, violation of any of the aforesaid conditions, would allow the prosecution to file an application before the Trial Court for cancellation of the bail.

12. In view of the above noted observations, this petition is disposed of accordingly. No costs.

Judge