



Serial No. 2

Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA No. 47 of 2025

Date: 04.11.2025

Ganesh Chand Ramola, D/o (L) Anar Chand Ramola, R/o Budogi Chawal
Khet, P.S. Pangarkhal, New Tehri, Garhwal, Uttarakhand-240091.

.....Petitioner

-Versus-

1. The State of Meghalaya, Represented by the learned Public Prosecutor.
2. Smti X, Wife of XY, resident of XYZ

.....Respondents

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

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

Ms. N.M. Kharshemlang, Adv.

For the Respondent(s) : Mrs. N.G. Shylla, Sr. GA with

Mr. A.M. Pala, GA.

Mr. A. Medok, LAC for R/2

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. P. Ghosh, learned counsel who has submitted that the petitioner was arrested on 15. 07. 2025 on the strength of an FIR dated 04.07.2025 lodged by the respondent No. 2 as complainant, the same being presented before the Officer Incharge Mawryngkneng Police Station which was eventually registered as Mawryngkneng P.S. Case No. 31(07) 2025 U/S 11(i)/12 of the POCSO Act.

2. It is also submission of the learned counsel that the allegation against the petitioner is that on 04.07.2025 at around 10:30 AM he had entered the shop of Shri Albert Nongrum located at Mawryngkneng, wherein in which shop the respondent No. 2/ complainant is said to be working and on that day she and her minor daughter were present when he entered the shop. It is also the allegation of the complainant that when she went in to the bath room to have a bath the petitioner tried to sexually harass her minor daughter by opening his pants, however, on the said daughter raising a hue and cry he fled away from the scene.

3. Upon his arrest, investigation was launched and the investigating officer while filing the charge sheet had returned a finding that there is found a prima facie case of the petitioner being involved in committing an offence under Section 11 (i) / 12 of the POCSO Act and he was made to stand trial to answer such accusation. Thereafter, the trial proceeded and on charges being framed to which the petitioner denied such charges and claimed to be tried, the stage of the case at



present is for recording of evidence, the evidence of the minor survivor duly recorded as PW 1.

4. The learned counsel has further submitted that the petitioner is innocent of the charges framed against him and since the investigation has been completed, therefore, there is no scope of tampering with evidence and also the fact that the alleged offence, if proved to be true carries a penalty of a maximum imprisonment of 3 years, the petitioner may be enlarge on bail at this juncture to enable him to defend his case in court.

5. The learned counsel has reiterated that the Hon'ble Apex Court in a catena of judgments, for example, in the case of Arnish Kumar v. State of Bihar, (2014) 8 SCC 273 as well as in the case of Satender Kumar Antil v. CBI, (2022) 10 SCC 51 has held that normally for offences punishable with less than 7 years' imprisonment, bail should be granted. This Court in the case of Sheba Dhar v. State of Meghalaya, vide order dated 20. 09. 2021 in B.A. No. 07 of 2021 has also granted bail to the accused person therein when the investigation was completed and charge sheet filed.

6. Under such similar circumstances, it is prayed that the petitioner may be enlarged on bail with any conditions that this Court may deemed fit and proper to impose, to which the petitioner hereby undertakes to abide by the same.

7. Per contra, Mrs. N.G. Shylla, Sr. GA appearing for the State



respondents has strongly objected to the prayer made in this petition on the ground that this is a case of sexual assault against a minor victim girl and from the materials on record, including the statement made by the survivor before the police under Section 180 and also the statement made before the magistrate under Section 183 of the BNSS, what has been revealed is that the allegations made by the complainant has been corroborated by the statement of the survivor who has identified the petitioner during the TIP. Further, the survivor in her deposition in court when her evidence was recorded has narrated the sequence of event exactly as it happened, the finger of guilt pointing to the petitioner. As such under the circumstances, the prayer made in this petition is devoid of merits and may not be considered by this Court.

8. Mr. A. Medok, learned Legal Aid Counsel appearing on behalf of the respondent/complainant has also endorsed the submission made by the learned Sr. GA.

9. This Court has given careful consideration to the argument advanced by the learned counsels for the respective parties, facts as indicated above need not be repeated. Suffice it to say that the petitioner since the date of his arrest on 15. 07. 2025 is in custody till date and has accordingly approached this Court with this prayer for grant of bail.

10. From the materials on record and from what has been brought forward by the learned Sr. GA, it appears that there is prima facie evidence that the petitioner has committed the offence alleged, though it is too early in the proceedings before the Trial Court to come to any



conclusion as to the guilt of the petitioner. Trial has proceeded in its normal course and its completion would just be a matter of time.

11. However, this Court is called upon to consider only the issue of whether or not to grant bail to the petitioner, irrespective of the fact that the said proceeding before the Trial Court is ongoing.

12. Granted, that on the eventuality of the petitioner being found guilty at the conclusion of the trial, as has been pointed out, the maximum punishment that could be meted out to him would be a term of 3 years imprisonment. However, until that stage is reached, in the meantime it may not be proper or justified for the petitioner to be kept within the confines of the correctional home that he is in at present.

13. Time and again the Apex Court has reiterated that the object of bail is to secure the attendance of the accused at the trial and if an undertaking is given by the accused in this regard, more often than not, such prayer would usually be granted. This principle has been resounded in the case of *Sanjay Chandra v. Central Bureau of Investigation* (2012) 1 SCC 40, wherein at para 21 and 22 of the same the following is found:

“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person



will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. ”

14. Under the fact and circumstances of this case, this Court is inclined to allow the prayer made in this petition. Accordingly, this petition is hereby allowed, the petitioner is directed to be released on bail, if he is not wanted in any other case, provided he fulfils the conditions imposed herein, including providing sufficient surety to the satisfaction of the learned Special Judge (POCSO) trying his case, such conditions being:

That he ...

- i) Shall not abscond, but shall appear before the Trial Court as and when required;



- ii) Shall not leave the country without prior permission of the Trial Court;
- iii) Shall not come into any physical contact with the minor survivor, except if directed by the court; and
- iv) Shall furnish a personal bond of ₹50,000 (Fifty thousand) only along with one surety of like amount.

15. It is made clear that violation of any of the above-mentioned condition will allow the prosecution to move the Trial Court for cancellation of the bail granted to the petitioner.

16. Petition disposed of. No costs.

(W. Diengdoh)
Judge

Meghalaya
04.11.2025
"Khraw"