



**Serial No. 04**  
**Supplementary List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

BA. No. 56 of 2025

Date of Decision: 16.12.2025

Smti. Dasharai Timung  
Daughter of (L) Salsuk Dkhar  
Resident of village Barato,  
West Jaintia Hills, Meghalaya.

..... **Petitioner**

- Vs-

1. The State of Meghalaya represented by  
Commissioner & Secretary Home,  
Shillong.
2. “X” Complainant

..... **Respondents**

**Coram:**

**Hon’ble Mr. Justice W. Diengdoh, Judge**

**Appearance:**

For the Petitioner/Appellant(s) : Mr. D. Hynniewta, Adv.

For the Respondent(s) : Mr. S. Sengupta, Addl. PP. for R 1.  
Mr. R.H. Alice, LAC/R 2.

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|------------------------------------------------------------|--------|
| i) Whether approved for reporting in<br>Law journals etc.: | Yes/No |
| ii) Whether approved for publication<br>in press:          | Yes/No |



**JUDGMENT AND ORDER (ORAL)**

1. Heard Mr. D. Hynniewta, learned counsel for the petitioner, who has submitted that this application under Section 483 BNSS has been filed with a prayer for grant of bail on behalf of the accused, Shri. Dathiew Timung, who was arrested initially in connection with Women P.S. Case No. 21 (05) 2024 under Section 365/354A(1)(i)(iv)/376(2)(j)(k)(l)/376(D) IPC read with Section 92(b) of the Rights of Person with Disabilities Act, 2016.
2. The case has been charge sheeted and the regular trial has proceeded with two witnesses being examined.
3. It is the submission of the learned counsel that the main ground for this application being preferred by the petitioner is that the accused person has been in custody for more than a year, and in the meantime, trial has proceeded with only 2(two) witnesses examined out of 21(twenty-one) listed prosecution witnesses. Therefore, it is not likely that the trial will conclude in the near future, thus, tampering the right of the accused person to be able to defend his case in a free and appropriate atmosphere. On these two premises, the learned counsel for the petitioner prays that the accused person in question may be allowed to be released on bail with any conditions deemed fit and proper to be imposed by this Court.



4. Mr. S. Sengupta, learned Addl. PP appearing on behalf of the State respondent, has strongly opposed the prayer made on the ground that, from the contents of the investigation carried out by the Investigating Officer and the same being noted by the learned Trial Court in its order dated 30.07.2025, when the same accused herein had approached the said court for grant of bail, the observation being that a strong prima facie case has been made out against the accused person in question including the other co-accused persons, wherein FSL report has proved that there is a direct nexus of the act of the accused person as far as the allegation of sexual assault against the victim is concerned.

5. Mention has also been made that the victim is a person suffering from 75 percent mental retardation and would be subjected to intimidation, if the accused person in question is released on bail. Under such circumstances, it is prayed that this petition is devoid of merit and the same may be dismissed.

6. Mr. R.H. Alice, learned Legal Aid Counsel appearing on behalf of the complainant/respondent No. 2, has also endorsed the submission made by the learned Addl. PP, and has also submitted that evidence has proved that the accused person in question was very much present at the place of occurrence on the said date of incident, the link being found when his mobile phone was traced to the place of occurrence on that particular date, meaning that he was



present at the place of occurrence on the day when the victim was sexually assaulted. These indications would only strengthen the case of the prosecution as far as the allegation against the accused person in question is concerned. Therefore, on this ground too, the prayer made by the petitioner may not be allowed, further submits the learned Legal Aid Counsel.

7. This Court has considered the submission made, and has also perused the petition in hand. It is true that the accused person in question has been in custody for more than a year, and, if accepted, the fact is that, there are about 22 (twenty-two) prosecution witnesses to be examined which would probably take some time for the case to be concluded. However, if such circumstances are placed in juxtaposition with the gravity of the offence alleged and the nature in which the said offence was committed, particularly, in view of the fact that prima facie, the role of the accused person in question has been determined as far as his involvement is concerned, therefore, this Court has also to consider such aspect of the matter, more so, considering the fact that the victim in question is a person who is fragile in all respect as far as her mental state is concerned.

8. The act perpetrated against her, would shock the conscience of the court as well as the society at large. Therefore, on this observation, at this point of time, this Court is of the view that the prayer made by the petitioner



as far as the accused person in question is concerned, cannot be considered.

9. In view of the above, this petition is hereby dismissed as devoid of merits and the same is disposed of. No costs.

**Judge**