



Serial No. 12
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 13 of 2026

Date of Decision: 07.04.2026

Shri. Sonu Kumar,
S/o Annu Pandit.
Resident of Arunachal Bhawan,
Cleve Colony, Shillong, East Khasi Hills
District, Meghalaya – 793003.

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

- Vs-

1. State of Meghalaya represented by
The Public Prosecutor, Government of Meghalaya.
2. X,
R/o Nongshilliang, Rynjah,
Shillong, East Khasi Hills District,
Meghalaya – 793014.

..... **Respondents**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. P. Yobin, Adv.
Ms. B.L. Lyngkhoi, Adv.

For the Respondent(s) : Mr. R. Gurung, GA.
Mr. K.P. Bhattacharjee, GA. for R 1.
Ms. A.D. Syiem, Adv. for R 2.

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. P. Yobin, learned counsel for the petitioner, who has submitted that an FIR has been filed by the complainant/respondent No. 2 to the Officer-in-Charge, Laitumkhrah Police Station, to the effect that a complaint has been made against the accused person, Shri. Annu Pandit, who is said to have sexually assaulted the minor daughter of the complainant upon which, on receipt of the said FIR, a police case was registered being Laitumkhrah P.S. Case No. 08 of 2026 under Section 5(m)/6 of the POCSO Act.

2. Investigation was carried out, and on completion of the same, the Investigating Officer has filed the charge sheet on 13.02.2026, finding a prima facie case well-established against the accused person herein for having committed the offence of penetrative sexual assault on the said minor, for which he is made to stand trial and answer to the charge under Section 5(1)(m) punishable under Section 6 of the POCSO Act.

3. It is the further submission of the learned counsel for the petitioner that the stage of the case before the Trial Court is for consideration of charges with charges not yet framed.

4. The learned counsel has also submitted that, at this point of time,



even, on perusal of the contents of the FIR, it is apparent that the offence alleged to have been committed by the accused person is not so serious, and also the fact that investigation has been completed, therefore, there is no requirement for any further interrogation or questioning of the accused person. He further submits that, the accused person being an old man of about 57 years old, and, if enlarged on bail, he is willing to abide by any conditions to be imposed by this Court. Therefore, prayer is made for grant of bail.

5. Ms. A.D. Syiem, learned counsel appearing for the complainant/respondent No. 2 has submitted that, as instructed, the complainant has no objection to the prayer made, and has further submitted that, if enlarged on bail, strict conditions may be imposed upon the accused person.

6. Mr. R. Gurung, learned GA appearing for the prosecution, has strongly objected to the prayer made, and has submitted that, on perusal of the materials on record, including the allegation made against the accused person, what is noticed is that an act of sexual assault has been perpetrated upon a minor girl only about 8 years old, as such, if enlarged on bail, there is every possibility for the accused person to intimidate or threaten the witnesses, including the survivor.

7. Considering the seriousness of the offence, the learned GA submits that bail may not be granted at this stage.



8. This Court has taken note of the submission of the parties and also the facts as has been brought out in this petition through the many annexures attached thereto. On perusal of the FIR, it is seen that the allegation made is that the accused person has committed sexual assault by inappropriately touching the private parts of the survivor. This incident is said to have occurred some time on 10.12.2025, though the same was reported by the survivor to her mother/complainant only on 14.01.2026. However, on perusal of the statement made under Section 180 BNSS by the survivor, it is noted that she has stated that the accused person had committed the same type of offence about four times.

9. The learned GA has also pointed out that at page 79 of this petition which is a copy of the medical report of the medical examination upon the survivor, it has been indicated that her hymen is not intact, meaning that sexual assault has indeed taken place.

10. Though, this Court would not go into the merits of the case since the same would be agitated upon by the parties before the Trial Court, however, considering the fact that the accused person is a man of about 57 years old and the survivor is just 8 years old, irrespective of the nature of the offence, the fact that he is said to have sexually assaulted her, would prima facie indicate a depraved mindset. On consideration of this aspect of the matter, this Court, at this point of time, is not inclined to concede to the prayer made herein.



11. As has been submitted by the learned GA, it would be prudent for the matter to proceed and the statement and evidence of the survivor to be duly recorded by the Trial Court, whereupon, on her being discharged, the accused person may approach the appropriate court with a fresh prayer for grant of bail.

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

Judge