



Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 21 of 2026

Date of Decision: 15.05.2026

Shri. Sofior Rahman,
Son of Late Jahanuddin Sk,
Aged about 46 years,
Resident of Village Babupara,
P.O. New Bhaitbari, P.S. Rajabala,
West Garo Hills District, Meghalaya.

..... **Petitioner**

- Vs-

1. State of Meghalaya represented by the
Commissioner & Secretary,
Home Police Department,
Government of Meghalaya,
Shillong.
2. The Investigating Officer,
Araimile Police Station,
West Garo Hills District,
Meghalaya.

..... **Respondents**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. K. Paul, Sr. Adv. with
Mr. S. Chanda, Adv.
Mr. T.C.S. Lama, Adv.



Mr. S.K. Hassan, Adv.
Ms. M. Rahman, Adv.

For the Respondent(s) : Mrs. N.G. Shylla, Sr. GA with
Mr. E.R. Chyne, 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. K. Paul, learned Sr. counsel assisted by Mr. S. Chanda, learned counsel for the petitioner/accused, who has submitted at the bar that he is instructed to say that the offences alleged to have been committed by the petitioner/accused are all punishment for a period of less than 7(seven) years. In this regard, it is incumbent upon the Investigating Officer to have submitted his charge sheet upon investigation within a period of 60(sixty) days as mandated by Section 187 BNSS, 2023, the same not having been done, it is prayed that the petitioner/accused may be released on default bail.

2. Mrs. N.G. Shylla, learned Sr. GA assisted by Mr. E.R. Chyne, learned GA appearing for the State respondent, has candidly admitted that the charge sheet has not yet been filed in this case within the said 60(sixty) days' period, which incidentally expires on 14.05.2026. However, there is strong objection to the prayer made for grant of bail on the ground that the arrest of the



petitioner/accused is in connection with the law-and-order situation prevailing in Garo Hills connected to the District Council election, as such, if enlarged on bail, there is the possibility of the petitioner/accused creating problem or being a danger to society.

3. This Court has considered the submission made by the learned counsels for the parties. Even, if the objection raised by the learned Sr. GA is taken into account, the proposition of law as far as default bail is concerned, cannot be lost sight of as far as the facts and circumstances of the case is concerned, having noted that the submission made with regard to the filing of charge sheet, is correct, to say that the same has not been filed within the stipulated period. Therefore, in view of the law stated as well as the pronouncement in a catena of judgment by the Hon'ble Supreme Court and High Court, for example, the case of **Rakesh Kumar Paul v. State of Assam reported in (2017) 15 SCC 101**, this Court is bound to adhere to the same. Para 44 and 45 of the judgment, which has a bearing in the instant case is reproduced herein below:

“44. Strong words indeed. That being so we are of the clear opinion that adapting this principle, it would equally be the duty and responsibility of a court on coming to know that the accused person before it is entitled to ‘default bail’, to at least apprise him or her of the indefeasible right. A contrary view would diminish the respect for personal liberty, on which so much emphasis has been laid by this Court as is evidenced by the decisions mentioned above, and also adverted to in *Nirala Yadav, Union of India v. Nirala Yadav, (2014)*



9 SCC457.

45. On 11-1-2017, *Rakesh Kumar Paul v. State of Assam*, 2017 SCC OnLine Gau 573, when the High Court dismissed the application for bail filed by the petitioner, he had an indefeasible right to the grant of “default bail” since the statutory period of 60 days for filing a charge-sheet had expired, no charge-sheet or challan had been filed against him (it was filed only on 24-1-2017) and the petitioner had orally applied for “default bail”. Under these circumstances, the only course open to the High Court on 11-1-2017 was to enquire from the petitioner whether he was prepared to furnish bail and if so then to grant him “default bail” on reasonable conditions. Unfortunately, this was completely overlooked by the High Court.”

4. Accordingly, the petitioner/accused is directed to be enlarged on bail on the following conditions:

- i) That he shall not abscond or tamper with the evidence or witnesses;
- ii) That he shall attend court as and when called for;
- iii) That he shall not leave the jurisdiction of Meghalaya, except with due permission of the court concerned; and
- iv) That he shall bind himself on a personal bond of ₹ 50,000/- (Rupees fifty thousand) only with two local sureties of like amount to the satisfaction of the Trial Court.

5. It is made clear that, if any of the said bail conditions are violated, it is open to the authorities concerned to file for cancellation of the bail.



6. In view of the above, this petition is disposed of accordingly. No costs.

Judge