



Serial No. 07
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 27 of 2026

Date of Decision: 29.06.2026

Shri. Chijan M. Sangma
S/o Shri. Phijo M. Sangma
Resident of Bagmara
South Garo Hills, District,
Meghalaya

..... Applicant

- Vs-

1. State of Meghalaya,
Represented by the Public Prosecutor.
2. Shri X (complainant)
Through WPSI JS Marak, Investigating Officer
of Bagmara Women PS Case No. 02/2025
(Registered as Spl. POCSO Case No. 4 of 2025)]

..... Respondents

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge.

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Deb, Adv. with
Ms. M. Nayang, Adv.

For the Respondent(s) : Mr. R. Gurung, GA for R 1.
Ms. N.M. Kharshemlang, LAC for R 2.

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| 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. S. Deb, learned counsel for the applicant, who has pressed the prayer made in this application, that is, for grant of bail to the accused Shri. Jinath R. Marak who was initially arrested in connection with Baghmara Women PS Case No. 2 of 2025, under Section 70(2)/351 BNS read with Section 5(g)/6 POCSO Act.
2. It is the submission of the learned counsel that the accused is in a relationship with the survivor, the daughter of the respondent/complainant herein, and in this relationship, they used to communicate over phone and Facebook chat. The accused has however, admitted that he is already married and had not disclosed his marital status to the survivor.
3. On 04.02.2025, the accused along with one relative had gone to purchase broom from Naweram A'sim village, where he met the survivor and the survivor on knowing that he has lied to her about his marital status started raising hue and cry, following which the accused left the said location.
4. The next day, the accused was called to the resident of the survivor to resolved the matter, however, being afraid that he may be beaten up, he did not go. It was only on 07.02.2025, that he came to know that the respondent/complainant has lodged and FIR, alleging that the survivor had been sexually assaulted by him and another person.
5. On the FIR being registered and investigation launched, the accused was arrested on 08.02.2025 and is still in custody till date after more than a year.
6. It is again, the submission of the learned counsel that since the case has already been charge sheeted, charges have also been framed against the



accused and that trial has commenced with the deposition of the complainant and the survivor being duly recorded by the court, therefore, at this stage the accused may be enlarged on bail to allow him to present an effective defence.

7. Though the learned counsel has submitted that the other co-accused has already been enlarged on bail, however, there is no prayer made as far as parity is concerned.

8. It is prayed that this application may be allowed and bail may be granted with any conditions to be imposed by this Court.

9. Mr. R. Gurung, learned GA appearing for the State respondent, has opposed the prayer made on the ground that the charges against the accused person are serious, inasmuch as being a married person, he has enticed the survivor into a physical relationship and has even sexually assaulted her, being a person of loose character, since it is learnt that he is also having affairs elsewhere, therefore, if enlarged on bail the gravity and seriousness of the offence charged against him would lose their importance. The case of **State of Bihar and Anr. v. Amit Kumar alias Bachcha Rai (2017) 13 SCC 751** was cited wherein at para 8 is found that observation of the Supreme Court, that when the seriousness of the offence is such the mere fact that an accused was in jail for however long time should not be the concern of the court. Another case cited is the case of **Thosterning Lyngdoh Nonglait v. State of Meghalaya, 2024 SCC Online Megh 516**, wherein at para 11, the court has observed that because of the nature and seriousness of the matter, the delay in the proceedings would not attract the provision of Section 35 of the POCSO Act. Infact, sub-Section 2 of Section 35 provides that “*the Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognizance of offence*”, emphasis being laid on the phrase “*as far as possible*” to indicate



that this is not the hard and fast rule for trial to be completed exactly within one year.

10. In view of the seriousness of the offence and the antecedent of the accused person, it is prayed that this petition may be dismissed.

11. Ms. N. M. Kharshemlang, learned Legal Aid Counsel, appearing for the respondent/complainant has submitted that she is instructed to oppose the prayer made in this application on the ground that the accused has received her minor daughter by inducing her in a relationship, in spite of the fact that he is a married man, though he did not disclose this fact or even his real name to the survivor. On the day of the incident, he has also forcefully sexually assaulted the survivor and has also threatened her. Therefore, if enlarged on bail he will carry out his threats and the survivor being a school girl who has to go to school alone, her life would be in danger if the accused is at large.

12. This Court has considered the submission made and is made to understand that the case against the accused is proceeding before the trial court and is at the stage of recording of evidence of the prosecution witnesses. It is also admitted that the respondent/complainant as well as the survivor have already been examined in court and discharged.

13. As submitted by the learned GA, there is no reason for this Court to believe that there is a delay in the proceedings before the trial court. However, the fact that custodial interrogation or questioning of the accused is no longer required, and that the accused is also to be allowed to present his defence in a free and fair atmosphere, at this stage of the proceedings, this Court is of the view that there is no impediment if the accused is to be enlarged on bail, since adequate security and conditions will be imposed, violations of which would



allow the prosecution to move for cancellation of bail.

14. Accordingly, the prayer of the applicant is hereby allowed, the accused person in questioned is hereby directed to be released on bail on the following conditions:

- a) That he shall not abscond or tamper with the witnesses;
- b) That he shall attend court as and when called for.
- c) That he shall not leave the jurisdiction of Meghalaya, except with due permission of the court concerned.
- d) That he shall not come into contact to the survivor except with express permission of the court and also not to come into contact with the survivor in any manner whatsoever during the pendency of the case.
- e) That he shall bind himself on a bond of ₹ 30,000/- (Rupees Thirty thousand) only along with one surety of like amount to the satisfaction of the trial court.
- f) If there is any evidence that he is threatening the survivor or the witnesses, the bail granted will be cancelled forthwith, on the trial court being convince of the same.

15. In view of the above, this application is disposed of accordingly. No costs.

Judge

Meghalaya
29.06.2026
"Tiprilynti, PS"