



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 39 of 2026

Date of Decision: 20.07.2026

Smti. Stansis Lyngdoh
W/o (L) Justin Warjri,
R/o Umdu Village, P.O & P.S, Byrnihat,
Ri-Bhoi District, Meghalaya.

..... **Petitioner**

- Vs-

1. State of Meghalaya represented by the
Public Prosecutor.
2. Smti. 'C' (Complainant)
Wife of XXX
(Impleaded as respondent No. 2
vide order dated 01.07.2026 passed
by this Hon'ble Court in Bail Application No. 39/2026)

..... **Respondents**

Coram:

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

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Wahlang, Adv.
Mr. F.N. Ropmay, Adv.

For the Respondent(s) : Mr. R. Gurung, GA. for R 1.
Ms. R. Fancon, LAC/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. Wahlang, learned counsel for the petitioner, who has submitted that this application under Section 483 of the BNSS, 2023 has been filed with a prayer for grant of bail on behalf of her son, Shri. Shedrak Lyngdoh Nongrang, who is an accused, who was arrested on 18.11.2025 and is still in custody till date in connection with Nongpoh Women P.S. Case No. 65 (11) 2025 under Section 64(1)/62/351(3) BNS read with Section 25 (IA)/27 of the Arms Act pending before the Court of the learned Sessions Judge, Ri-Bhoi District, Nongpoh.

2. The learned counsel also submits that an FIR dated 17.11.2025 was falsely lodged by the complainant/respondent No. 2 before the Officer-in-Charge, Byrnihat Police Outpost, Ri-Bhoi District, wherein, it was alleged that on 17.11.2025, the accused person in question had tried to rape the said complainant at her residence, and had also threatened to shoot her and her family. Hence, the FIR.

3. It is the further submission of the learned counsel that, during the pendency of the investigation, two bail applications were filed on behalf of the accused person in question before the learned Judicial Magistrate, Ri-Bhoi District and both the applications were rejected.

4. During investigation, the learned counsel submits that the Investigating Officer has recorded the statement of the complainant and other



witnesses under Section 180 and 183 of BNSS, and after completion of the investigation, charge sheet was filed on 14.01.2026 and charges framed on 29.01.2026 against the accused person. The stage of the case is for recording of evidence, further submits the learned counsel.

5. It is the contention of the learned counsel that at the time of arrest of the accused person in question, during custody and up to the point of production before the learned Judicial Magistrate, the police had failed to supply, inform or communicate the explicit factual grounds, triggering the arrest of the accused. This according to the learned counsel is a violation of the due process of law and the relevant provision of the Constitution of India as well as that of the BNSS, 2023. In this regard, the learned counsel has submitted that Article 22(1) of the Constitution of India have been violated, inasmuch as, at the time of his arrest, it is the duty of the police to inform the relatives, friends or such other person as may be disclosed or nominated by the arrested person for the purpose of giving such information, which was not done so in the case of the accused person herein. This is also a violation of the principle laid down in the case of *Prabir Purkayastha v. State (NCT of Delhi)* reported in (2024) 8 SCC 254, para 49 and also the case of *Vihaan Kumar v. State of Haryana & Anr* reported in AIR 2025 SC 1388, para 13, 14 and 21(b).

6. In view of the above, the learned counsel has submitted that the cause of such serious procedural lapses affecting the fairness of the arrest of the accused



person herein, therefore, a prayer is made for grant of bail with any conditions to be imposed by this Court, considering the fact that the accused person has no criminal antecedent, he is further committed to cooperate with the investigation and to appear before the Investigating Officer (I/O) as and when required.

7. Per contra, Mr. R. Gurung, learned GA appearing on behalf of the State respondent has fairly submitted that this Court cannot bypass the law prescribed under the Constitution of India, the fact that the grounds of arrest have not been intimated to the accused person at the time of arrest is also admitted, however, considering the peculiarity and seriousness of the offence, the accused person in question was found to be wielded with gun and had threatened to kill the complainant and her family members, therefore, the complainant is in apprehension of the threat by the accused person, further submits the learned GA.

8. Ms. R. Fancon, learned Legal Aid Counsel appearing on behalf of the complainant/respondent No. 2 has submitted that she strongly opposed the prayer for bail on the ground that her house is in very close proximity with that of the accused person, where her back door is his front door and he usually visits her house. She also submits that this is the fourth time where the accused person has started touching inappropriately even in front of her two minor children, and even on informing his mother about the incident, she was not willing to help and none of the villagers offered her help.

9. This Court having heard the parties, considering the facts as revealed



by the learned counsel for the petitioner and admitted by the prosecution, without going into the merits of the case, is convinced that there have indeed been procedural lapses on the part of the arresting authority as far as the accused person is concerned, inasmuch as such, the grounds arrest has not been properly intimated to the accused person at the time of his arrest and a such his arrest is not in accordance with law. On this ground alone, the arrest being vitiated, he is therefore entitled to be granted bail. Accordingly, the prayer of the petitioner is hereby allowed.

10. The accused person in question is hereby directed to be released 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;
- iv) That he should not come into contact with the complainant and her family members during the course of trial, and that he shall also relocate himself from the place he is residing; and
- v) That he shall bind himself on a personal bond of ₹ 30,000/- (Rupees thirty thousand) only with one surety of like amount



to the satisfaction of the Trial Court.

11. It is however made clear that violation of the bail conditions stated hereinabove, would entitle the prosecution to seek cancellation of this bail before the Trial Court.

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

Judge