



**Serial No. 07**  
**Regular List**

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

BA No. 47 of 2026

Date of Decision: 10.08.2026

Shri. Debanon Momin  
Son of Late Kilka Sangma  
Resident of HNo. 43, Kongkhona Jongkol, Baghmara  
P.S Baghmara  
South Garo Hills-794102  
Meghalaya.

**...Petitioner**

**-Versus-**

1. State of Meghalaya,  
Represented by its Secretary,  
Home (Police) Department,  
Government of Meghalaya,  
Shillong, Meghalaya
2. Smti. XYZ (Complainant)

**...Respondents**

**Coram:**

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

**Appearance:**

|                                 |                                                                                                      |
|---------------------------------|------------------------------------------------------------------------------------------------------|
| For the Petitioner/Appellant(s) | : Mr. M.F. Qureshi, Adv.<br>Mr. L. Koch, Adv.<br>Mr. R.T. Sangma, Adv.                               |
| For the Respondent(s)           | : Mr. N.D. Chullai, AAG with<br>Mr. E.R. Chyne, Asst. P.P (For R 1)<br>Mr. R.H. Alice, LAC (For R 2) |

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



ii) Whether approved for publication  
in press:

Yes/No

### **JUDGMENT & ORDER (ORAL)**

1. Heard Mr. M.F. Qureshi, learned counsel for the applicant who has submitted that the applicant is the father of the accused Walsrang D. Marak an accused connected with Baghmara Women P.S. Case No. 10 of 2025, the application made herein is for grant of bail as far as the said accused person is concerned.

2. It is the submission of the learned counsel that the accused person was in a love relationship with the survivor, such relationship having been admitted by the survivor in her statement before the learned Magistrate. However, because of certain turn of events, the relationship between the two turned sour as such, as a consequence thereof, the complainant who is the mother of the survivor had lodged the FIR whereupon the said Baghmara Women P.S. Case was registered. It is also the further submission of the learned counsel that on investigation being conducted and charge sheet filed by the IO the case has proceeded to the stage of trial, whereupon the IO finding that there are prima facie evidence against the accused person has indicated that he is to stand trial for the commission of the offence alleged, which offence are mostly under the POCSO Act.

3. The stage of the trial is for recording of evidence of the prosecution



witnesses, on the relevant charges being framed by the Trial Court on 04.02.2026. The learned counsel has also submitted that the trial could not proceeded due to the fault of the survivor who has failed to appear in court on a number of dates fixed for the same. As such having been in custody for about 13 months or so, it is prayed that this Court may be pleased to grant bail to the accused person on any conditions that is deemed fit and proper to be imposed.

4. Mr. N.D. Chullai, learned AAG along with Mr. E.R. Chyne, learned Asst. P.P while responding to the submission made by the learned counsel for the petitioner has submitted that from the statement made by the survivor before the concerned Magistrate it would appear that there are prima facie evidence to show that a case of sexual assault has been made out against the accused person and for which he is required to stand trial as such the allegation being serious in nature, therefore this Court may be pleased to reject the prayer made in this petition.

5. Mr. R.H. Alice, learned Legal Aid Counsel appearing for the complainant has submitted that he is instructed to oppose the prayer made in this petition on the ground that the survivor and the accused person are staying within the same locality and if enlarged on bail, there is every possibility that he will threaten the survivor. As such it is prayed that this petition may not be allowed.



6. This Court on consideration of the submission made by the parties and as has been stated that the accused person is in judicial custody for the last 13 months or so, the trial is proceeding but not at the pace it ought to proceed inasmuch as the charges against the accused person has been framed as far back as 04.02.2026, but several months down the line not a single prosecution witnesses have been examined, this delay in the proceedings would indeed affect the rights of the accused person as far as speedy trial is concerned.

7. To the contention raised by the learned AAG, since the charge sheet has been filed therefore no further custodial interrogation or questioning of the accused person is required. The merits of the prosecution case would be tested at the trial on the evidence being recorded. As such, this Court is of the opinion that no useful purpose will be served if the accused person is continued to be in custody.

8. As to the apprehension of the complainant, this Court would ensure that if enlarged on bail the accused person is not to come into contact with the survivor and on his own admission, he is to relocate himself far from the residence of the survivor during the pendency of the trial.

9. In view of the above, the prayer made for grant of bail is hereby allowed. The accused person is 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 appear before the concerned court as and when called for;
- iii. That he shall not leave the jurisdiction of Meghalaya during the pendency of trial without prior permission from the concerned court;
- iv. That he shall not come into contact with the survivor in any manner during the pendency of the trial;
- v. That he shall relocate himself to a place far from the residence of the survivor during the pendency of the trial; and
- vi. That he shall bind himself on a personal bond of ₹ 30,000/- (Rupees Thiry Thousand) only with one surety of like amount to the satisfaction of the competent court of jurisdiction.

10. Petition disposed of.

**Judge**

Meghalaya  
10.08.2026  
"Tiprilynti-PS"