



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 48 of 2026

Date of Decision: 07.08.2026

Shri. Edmerald G. Momin,
Son of Late Kalnan R. Sangma,
Resident of Konagittim, Baghmara,
P.S. Baghmara,
South Garo Hills – 974102
Meghalaya.

..... **Petitioner**

- Vs-

1. State of Meghalaya represented by its
Secretary, Home (Police) Department,
Government of Meghalaya,
Shillong, Meghalaya.
2. Smti. ABC
Daughter of Late XYZ
Resident of QRS,
Baghmara,
South Garo Hills District.

..... **Respondents**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. M.F. Qureshi, Adv. with
Mr. R.T. Sangma, Adv.
Mr. L. Koch, Adv.

For the Respondent(s) : Mr. Atiar S. Dey, GA. for R 1.
Ms. S. Nongsiej, 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 |
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JUDGMENT AND ORDER (ORAL)

1. Heard Mr. M.F. Qureshi, learned counsel for the petitioner, who has submitted that this application under Section 483 BNSS, 2023 for grant of bail has been filed on behalf of the brother of the petitioner, Shri. Trijilmen G. Momin, who was arrested in connection with Baghmara Women P.S. Case No. 04 of 2025 under Section 63(a)/63(vi)/64(2)(m) BNS, 2023 read with Section 3(a)/5(1)/6 of the POCSO Act.

2. Subsequently, on charge sheet being filed and the trial being brought before the competent court of jurisdiction, POCSO Case No. 6 of 2025 was registered and is pending trial before the Court of the learned Special Judge (POCSO), South Garo Hills District, Baghmara.

3. It is the submission of the learned counsel that on the basis of an FIR dated 12.05.2025, an allegation has been made against the accused person in question that he has sexually assaulted the sister of the complainant who was 17 years old at that time. Consequently, on the basis of such FIR, the said Baghmara P.S. Case was registered and investigation was launched. Being suspected of having committed the said offence, the accused person in question was



accordingly arrested on 12.05.2025 and he is still in judicial custody till date.

4. The learned counsel has further submitted that irrespective of the merits of the case, what has been sought to project herein is that the proceedings before the Trial Court have taken a long time to be concluded and is now only at the early stage of recording of evidence of the prosecution witnesses. He also submits that, records would show that there has been an inordinate delay in the proceedings before the Trial Court, such delay not attributable to the accused person. The fact that the accused person has been in custody for more than a year, and also the fact that the survivor has since been examined in court as PW. 1 on 03.07.2026, therefore, under such circumstances, it would be, but proper for the accused person to be enlarged on bail with any conditions that this Court may deem fit and proper to impose, submits the learned counsel.

5. Per contra, Mr. Atiar S. Dey, learned GA appearing on behalf of the State respondent No. 1, has vehemently opposed the prayer made in this petition on the ground that investigation has revealed that prima facie, there is clear evidence that the accused person has committed the offence of sexual assault upon the survivor, who was hardly 17 years old, and the manner in which the act was perpetrated, was nothing short of a heinous act, where the survivor was subject to a horrific experience of being lured to the place of occurrence on the pretext of the accused person offering to give her a lift to her place of residence when she was practically walking aimlessly in and around the area where the



incident finally took place. The learned GA also submits that the manner in which the accused had committed the offence has traumatized the survivor and has also caused immeasurable mental agony on her person. He therefore submits that no leniency should be accorded to the accused person as far as the prayer made in this petition is concerned.

6. Ms. S. Nongsiej, learned Legal Aid Counsel appearing on behalf of the complainant/respondent No. 2 has submitted that on being instructed, the complainant has also raised objection to the prayer of the petitioner herein as far as grant of bail to the accused person in question is concerned. She also submits that the survivor having gone through such an ordeal, is still traumatized by the experience, and more so, that the accused person is also residing within the vicinity of the residence of the survivor, there is every possibility that he will threaten her or cause harm to her. As such, it is prayed that the prayer made in this petition be disallowed.

7. This Court has considered the submission made, and would agree with the learned counsel GA as well as the learned Legal Aid Counsel that the offence alleged is indeed heinous in nature, since an act of sexual assault perpetrated upon a minor girl cannot, but be called an affront to her person and modesty, apart from the psychological scar it would lead which would affect her psyche. However, it cannot be denied that this is an ongoing trial, and as has been submitted, the survivor had deposed before the court as one of the



prosecution witnesses, where there are about 17(seventeen) witnesses in all.

8. In view of what has been submitted by the learned counsel for the petitioner as far as the progress in the trial is concerned, this Court or the Trial Court for that matter, cannot lose sight of the relevance of the provision of Section 35 of the POCSO Act, which prescribed that trial in POCSO cases, as far as possible must be concluded within 1(one) year from the date of taking cognizance of the offence.

9. Furthermore, the fact that charge sheet has been filed and the survivor has been examined, there is practically no more scope for further custodial interrogation of the accused person.

10. Bail jurisprudence would show that, what is required for the Court to consider is whether the accused, if enlarged on bail, would jump bail or violate the conditions imposed by the court.

11. Be that as it may, this Court, on consideration of the facts and circumstances of the case and the submission of the parties herein, is inclined to allow the prayer made.

12. Accordingly, 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 shall not come into contact with the survivor in any manner during the course of trial;
- v) That he shall bind himself on a personal bond of ₹ 50,000/- (Rupees fifty thousand) only with one surety of like amount to the satisfaction of the Trial Court.

13. 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.

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

Judge