



Serial No. 06
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA No. 53 of 2026

Date of Decision: 30.07.2026

Smt. Aisha A Sangma
 W/o Johny A Marak
 Wife of the accused
 R/o Chibra. Agalgre
 P.S Rongram, Dist: West Garo Hills
 Meghalaya.

.....Petitioner

- Vs-

1. The State of Meghalaya,
 Represented by the learned Public Prosecutor.

.....Respondent

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Mr. P. Ghosh, Adv. Ms. N.M. Kharshemlang, Adv.
For the Respondent(s)	:	Mr. N.D. Chullai, AAG with Mr. E. R. Chyne, GA.

i)	Whether approved for reporting in Law journals etc.:	Yes/No
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ii)	Whether approved for publication in press:	Yes/No
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JUDGMENT AND ORDER (ORAL)

1. Heard Mr. P. Ghosh, learned counsel who has submitted that the accused/husband of the petitioner, Johny A. Marak was arrested on 09.05.2026



on the strength of an FIR dated 09.03.2026 lodged by one Shri Enamul Hoque, which FIR was registered as Tura P.S. Case No. 21 of 2026 under Section 223(a)(b)/117(2)/310(2) BNS.

2. It is the submission of the learned counsel that the prosecution's case is that on the morning of 09.03.2026 when the complainant reached the Office of the Deputy Commissioner, Tura for filing his nomination for the GHADC election, a group of about 40-50 people approached him and started to physically abuse him, leading to the filing of the said FIR, the accused person in question being roped in as one of those persons in the crowd who had attacked the complainant.

3. The learned counsel has also submitted that the accused/husband of the petitioner was also implicated in as many as 18 criminal cases, 9 of them registered at Tura Police Station, 7 in Araimile Police Station and 2 registered at Phulbari Police Station. However, the accused/husband of the petitioner was granted bail in 13 of them and two bail applications are now under consideration by this Court, including this instant case.

4. That all the co-accused have been granted bail in all the cases instituted against them, the accused/husband of the petitioner is also seeking parity, amongst other grounds, submits the learned counsel.

5. Another contention raised by the learned counsel is that the sections of law cited by the police in the case registered against the accused herein and



others is under Section 223(a)(b)/117(2)/310(2) BNS, all sections being bailable offence except Section 310(2) which speaks of the offence of dacoity. However, under the facts and circumstances of the case, which is practically a case of mob violence, there is no scope or grounds or basis to attract imposition of Section 310(2), which pertains to the offence of dacoity. As such, this is only a ploy of the police to compel incarceration of the accused in custody.

6. Under the circumstance, it is prayed that this petition be allowed and the accused/husband of the petitioner be enlarged on bail with any conditions that this Court may deemed fit and proper to impose.

7. Mr. N.D. Chullai, learned AAG along with Mr. E.R. Chyne, learned GA appearing for the State/respondent has opposed the prayer made in this petition on the ground that there is credible evidence against the accused/husband of the petitioner of being involved in mob violence during the agitation in Garo Hills at the relevant point of time. The learned AAG has also referred to the narration by the IO made in connection with Tura P.S. Case No. 21 of 2026, under Section 223(a)(b)/117(2)/310(2) BNS, wherein the name of the accused also figured as one of those who are involved in acts of violence etc., and as such, his release may not be allowed so as to enable the police to make a thorough investigation, it was further submitted.

8. This Court having heard the learned counsels for the rival parties, the facts and circumstances of the case being laid down hereinabove, what is



understood is that during the period from 09.03.2026 there was an agitation in the Garo Hills as a result of which allegations of mob violence, including arson, vandalism, rioting, looting and destruction of public property have been made.

9. However as to the exact role of the accused/husband of the petitioner, there is no direct evidence, that is, nothing has been revealed from the case dairy to pin point his participation in such acts, including dacoity, as has been alleged by the police in the FIR. The learned AAG has sought to impress upon this Court that from investigation carried out in another case, that is, Tura P.S. Case No. 28 of 2026 under section 189(2)/191(2)(3)/324(2)(5)/326(f)(g)/113(2)(b)/61(2)/310(2) BNS r/w Section 6/6A Meghalaya Maintenance of Public Order Act r/w Section 8/8A Meghalaya Maintenance Public Order (Autonomous District) Act, it is apparent that the accused person in question was very much involved in such criminal acts.

10. This line of submission cannot be accepted by this Court on the ground that no extraneous situation can be imported to implicate an accused person in connection with the one under consideration. On perusal of the case diary also, prima facie, there is nothing shown to directly connect the accused to the alleged criminal acts, though investigation is yet to be concluded in this respect.

11. Another consideration is the contention of the learned counsel for the petitioner that other co-accused have already being granted bail, therefore, in this case, the principle of parity will prevail.



12. Under such circumstances, this Court is inclined to allow the prayer made in this petition. The accused husband of the petitioner is directed to be immediately released on bail, if not in custody in any other case, 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 bind himself on a personal bond of ₹ 10,000/- (Rupees Ten thousand) only with one surety of like amount to the satisfaction of the Trial Court.

13. Let copy of this order be issued upon the Superintendent, District Prisons and Correctional Home, Jowai for compliance.

14. Accordingly, petition disposed of. No costs.

Judge

Meghalaya
30.07.2026
"Tiprilynti-PS"