



Serial No. 07
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA No. 54 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. 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. with
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

ii) Whether approved for publication in press: Yes/No

JUDGMENT AND ORDER (ORAL)

1. Heard Mr. P. Ghosh, 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 husband, Shri. Johny A. Marak, who is an accused, who was arrested on 22.04.2026 on the strength of an FIR dated 13.03.2026 lodged by one Shri. SI Cherak D. Sangma before the Officer-in-Charge, Tura Police Station, West Garo Hills, Tura, which FIR was registered as 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 read with Section 6/6A of the Meghalaya Maintenance of Public Order Act read with Section 8/8A of the Meghalaya Maintenance of Public Order (Autonomous District) Act.

2. The brief facts of the prosecution's story is that on 10.03.2026 at about 2:30 PM, while curfew was imposed by the District Magistrate, West Garo Hills, Tura, a mob/group of about 300-400 unlawfully assembled PWD road adjacent to the Muslim Graveyard on the way to Dobasipara Bus Stand and burnt down all the mechanical shops (Garages), spare parts shops and looted some mechanical parts, out of which several vehicles were gutted on fire. Thereafter, they proceeded to Tura Jama Masjid, set the premises on fire and destroyed the place of worship. Hence, the FIR.

3. The learned counsel has also submitted that the accused husband of the petitioner has been implicated in as many as 18(eighteen) criminal cases, 9(nine) of them registered at Tura Police Station, 7(seven) cases in Araimile Police Station and 2(two) cases registered at Phulbari Police Station. However, the accused husband of the petitioner was granted bail in 13(thirteen) 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 189(2)/ 191(2)(3)/324(2)(5)/326(f)(g)/113(2)(b)/61(2)/310(2) BNS read with Section 6/6A Meghalaya Maintenance of Public Order Act and Section 8/8A Meghalaya Maintenance Public Order (Autonomous District) Act, 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. During the pendency of this petition before this Court, the learned counsel has submitted that the period under which the accused person in question is under judicial custody, has crossed 90 days, within which time the charge sheet has not yet been filed by the Investigating Officer (I/O), therefore the accused person being entitled to default bail, prayer is made herein for grant of default



bail to the accused person with any conditions as deemed fit and proper to be imposed by this Court.

7. Mr. N. D. Chullai, learned AAG assisted by Mr. E.R. Chyne, learned GA appearing on behalf of the State respondent, has produced copy of the case diary, and has fairly conceded that since the charge sheet could not be filed within the said mandatory period, therefore, discretion of this Court may be invoked to pass necessary orders.

8. This Court having heard the parties, without going into the merits of the case herein, since the accused person in question is already entitled to default bail, relying on the principle laid down by the Hon'ble Supreme Court in the case of **Rakesh Kumar Paul v. State of Assam reported in (2017) 15 SCC 67, para 17**, it is observed that:

“17. The significance of the period of 60 days or 90 days, as the case may be, is that if the investigation is not completed within that period then the accused (assuming he or she is in custody) is entitled to ‘default bail’ if no charge-sheet or challan is filed on the 60th or 90th day, the accused applies for ‘default bail’ and is prepared to and does furnish bail for release. As can be seen from the narration of facts, no charge-sheet or challan was filed against the petitioner on the 60th day but was filed before the conclusion of 90 days. Consequently, was the petitioner entitled to “default bail” after 60 days? According to the petitioner the answer is in the affirmative since he had not committed an offence punishable with imprisonment for not less than ten years, but according to the State he had committed an offence punishable with imprisonment for ten years.”

9. In view of the submission of the parties herein and the application of the relevant provisions of law as regard default bail, this Court is accordingly



inclined to allow the prayer of the petitioner.

10. Accordingly, the accused person in question is hereby directed to be released on default bail, provided he is 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: and
- 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.

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

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

Judge