



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 61 of 2026

Date of Decision: 14.08.2026

Shri. Shanboklang Khardewsaw,
 Son of Shri. Jesing Nongsiej
 Aged about 20 years,
 Resident of Lawse Nongstoin,
 West Khasi Hills District,
 Meghalaya.

..... **Petitioner**

- Vs-

1. State of Meghalaya represented by its
 Secretary, Ministry of Home, Shillong,
 East Khasi Hills District, Meghalaya.
2. Superintendent of Police,
 West Khasi Hills District,
 Nongstoin, Meghalaya.
3. Officer-in-Charge,
 Nongstoin Police Station,
 West Khasi Hills, Meghalaya.
4. Smti. XYZ (Complainant)
5. Smti. ABC (Victim's Mother).

..... **Respondents**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. B. Sun, Adv.



For the Respondent(s) : Mr. Atiar S. Dey, GA. for R 1-3.
Mr. R.K. Kharshiing, Adv. for R 5.

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 Ms. B. Sun, learned counsel for the petitioner, who has submitted that this is an application under Section 483 BNSS, 2023 for grant of bail on behalf of the petitioner/accused, who was arrested on 19.01.2026 in connection with Nongstoin P.S. Case No. 80 (11) 2025 under Section 5(j)(ii)(l)/6 of the POCSO Act.

2. The genesis of the said P.S. Case No. 80 (11) 2025 emanates from an FIR dated 06.11.2025 filed by the Medical and Health Officer, Rambrai PHC before the Officer-in-Charge, Nongstoin Police Station, reporting a case of teenage pregnancy, wherein, a minor girl when she was medically examined at the said PHC, she was found to be pregnant, the pregnancy having occurred before she has attained the age of majority, as such, the informant as is mandated by law, has informed the Officer-in-Charge of the said police station, whereupon, the said Nongstoin P.S. Case No. 80 (11) 2025 was registered.

3. In course of investigation, it was found that the petitioner/accused herein was in a relationship with the said minor girl, out of which the said



pregnancy has occurred. The case has then proceeded further to the extent that at this stage, the Trial Court, taking cognizance of the matter, after framing of charge, etc., has recorded the evidence of the prosecution witnesses, who are six in number, four of them having been examined and discharged.

4. The learned counsel has further submitted that the survivor in all her statement made before the police, before the Magistrate as well as before the court, has maintained her stand that she was in a love relationship with the petitioner/accused, and therefore, the element of consent is present. As such, no sexual assault in the strictest sense of the term has taken place.

5. It is also the further submission of the learned counsel that in the meantime, in course of these proceedings, the petitioner/accused has since been enlarged on interim bail, therefore, it is prayed that the said interim bail may be made absolute.

6. Mr. Atiar S. Dey, learned GA appearing for the State respondent Nos. 1-3 has produced copy of the case diary for perusal of this Court, and has fairly submitted that, from the contents available in the case diary as well as in the petition, admittedly, a case of consensual sexual relationship between the accused person and the survivor is evident, as such, at this point of time, there is no strong objection to the prayer made for grant of bail.

7. Mr. R.K. Kharshiing, learned counsel appearing on behalf of the



respondent No. 5/mother of the survivor has also submitted that he is instructed not to oppose the prayer made in this petition.

8. This Court has considered the submission made, and has gone through the petition, more importantly, the deposition of the survivor having been gone through, it is evident that she has clearly admitted that the relationship between her and the accused person is consensual in nature.

9. For the purpose of bail, at this point of time, this Court is inclined to allow the prayer made, the merits of the case is left to be decided by the Trial Court in due course.

10. Accordingly, the petitioner/accused 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 appear before the Investigating Officer as and when called for;
- iii) That he shall not leave the jurisdiction of Meghalaya, except with due permission of the Investigating Officer or the court concerned; and
- iv) That he shall bind himself on a personal bond of ₹ 20,000/- (Rupees twenty 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. The interim bail granted is hereby made absolute.

Judge