



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 70 of 2026

Date of Decision: 13.08.2026

Shri. Maiphel Iawphniaw,
 Age 22 years
 Son of (Late) Merol Pariong
 R/o Village: Urkhli, P.S : Nongstoin,
 District: West Khasi Hills, Meghalaya.

**(The applicant is lodged at District Prison
 & Correctional Home, Shillong from
 13-7-2026).**

..... Applicant

- Vs-

1. State of Meghalaya through
Public Prosecutor.
2. Officer Incharge,
Nongstoin Police Station,
West Khasi Hills District, Meghalaya.
3. WPSI Batlariti Dkhar
Nongstoin Police Station,
West Khasi Hills District, Meghalaya.
4. Smti. A (Survivor)
Nongstoin P.S. Case No. 8 (2) 2026
u/s 5(j)(ii)/6 POCSO Act.

..... Respondents

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge



Appearance:

For the Petitioner/Appellant(s) : Mr. S.D. Upadhaya, Adv. with
Ms. A. Synrem, Adv.

For the Respondent(s) : Mr. H. Kharmih, Addl. PP. with
Mr. K.P. Bhattacharjee, GA. for R 1-3.

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. S.D. Upadhaya, learned counsel for the applicant, who has submitted that this is an application under Section 483 BNSS, 2023 for grant of bail on behalf of the applicant, who was arrested on 13.07.2026 in connection with Nongstoin P.S. Case No. 8 (2) 2026 under Section 5(j)(ii)/6 of the POCSO Act.

2. The learned counsel has also submitted that the fact of the matter is that the applicant/accused and the survivor are in a love relationship and they were practically engaged to be married, wherein, the survivor at that point of time was 17 years of age.

3. As a result of their relationship, the learned counsel submits that the survivor got pregnant, whereupon, she was taken for medical checkup at Rambrai PHC on 28.01.2026, and on her pregnancy being confirmed, the Medical and Health Officer, Rambrai PHC, had reported the case as that of



teenage pregnancy.

4. Accordingly, an enquiry was conducted, and the Enquiry Officer has filed the enquiry report dated 02.02.2026 to the Officer-in-Charge, Nongstoin Police Station, confirming the fact that the survivor who was aged 17 years old at that point of time, had been in a romantic relationship with the applicant/accused. The said enquiry report was treated as an FIR, and accordingly, Nongstoin P.S. Case No. 8 (2) 2026 was registered and investigation launched.

5. In course of investigation, the applicant/accused had cooperated with the Investigating Officer, and it was only on 13.07.2026 that he was taken into custody.

6. In the meantime, the applicant/accused and the survivor, who by this time, had attained her majority, got married on 11.07.2026, copy of the marriage certificate has been annexed in this petition at page 18 (Annexure-2).

7. In view of the fact that this is practically a case in the mould of Romeo and Juliet, and that the survivor has turned 18, and is now happily married to the applicant, the learned counsel prays that this application for grant of bail be allowed and the applicant/accused be released on bail with any conditions that this Court may deem fit and proper to impose.

8. Mr. H. Kharmih, learned Addl. PP appearing for the State respondent



Nos. 1-3, in all fairness, has submitted that from the records produced by the applicant, it is amply clear that the applicant and the survivor are in a love relationship, and that they are now married, the applicant being arrested only two days after his marriage, therefore, even without issuance of notice upon the complainant or the survivor, under the peculiar facts and circumstances of this case, there is no objection for grant of bail.

9. This Court, on consideration of the submission made, and on perusal of the petition, is also convinced by the argument advanced herein, inasmuch as, since records would reveal that the relationship between the applicant and the survivor, who has now attained the age of majority are that of husband and wife, the marriage certificate being indicative of that fact, therefore, it would serve no useful purpose for the applicant/accused to be incarcerated in custody. Accordingly, the prayer made in this petition is allowed.

10. The applicant/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.

Judge