



Serial No. 16
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 62 of 2025

Date of Decision: 10.02.2026

Shri. Rapskhemlang Myrthong,
Son of Teralin Tympuin
Resident of Nongkhlaw Village,
West Khasi Hills District,
Meghalaya.

..... **Accused/Petitioner**

- Vs -

1. The State of Meghalaya
Represented by Commissioner &
Secretary Home, Shillong.
2. XYZ/Complainant
3. 'X' Victim

..... **Respondents**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. I.S. Kharumnuid, Adv.
Ms. R. Dkhar, Adv.

For the Respondent(s) : Mr. N.D. Chullai, AAG with
Mr. J.N. Rynjah, GA. for R 1.
Ms. K. Decruse, LAC/R 2.

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| i) Whether approved for reporting in
Law journals etc.: | Yes/No |
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ii) Whether approved for publication
in press:

Yes/No

JUDGMENT AND ORDER (ORAL)

1. This is a case for grant of bail on behalf of the accused person, Shri. Rapskhemlang Myrthong, who has been made to stand trial in connection with Special (POCSO) Case No. 31 of 2025 pending before the Court of the learned Special Judge (POCSO), West Khasi Hills, Nongstoin.

2. Heard Ms. I.S. Kharumnuid, learned counsel for the petitioner/accused, who has submitted that the brief facts of the case is that an FIR dated 02.05.2026 has been lodged by the respondent No. 2/complainant, informing the Officer-in-Charge, Mairang Police Station, Eastern West Khasi Hills to the effect that her minor daughter is found pregnant, and on her admission, the culprit is said to be the petitioner/accused person, who has committed the offence of sexual assault upon her said minor daughter.

3. Accordingly, a case was registered at the police station being Nongstoin P.S. Case No. 32 (05) 2025 under Section 5(j)(ii)/6 of the POCSO Act and investigation was launched, whereupon, the Investigating Officer has finally filed the charge sheet finding a prima facie case well-established against the petitioner/accused person herein, and he was made to stand trial before the competent court of jurisdiction for related offence of sexual assault



against the survivor.

4. The Trial Court, taking cognizance of the matter, had framed charges against the accused person, and the stage of the case at present is for recording of evidence of the witnesses, five in all, of which the survivor has completed the recording of her evidence as PW. 1.

5. The learned counsel has further submitted that, at this stage, the accused person may be enlarged on bail, considering the fact that he has been in custody for more than 10(ten) months, and that there is no scope whatsoever for his tampering with the evidence or witnesses, given the fact that the survivor has already completed her evidence in court, and also, if enlarged on bail, he would be in a good position to defend his case effectively. It is therefore prayed that bail may be granted to the petitioner/accused person with any conditions as deemed fit and proper to be imposed by this Court.

6. Mr. N.D. Chullai, learned AAG assisted by Mr. J.N. Rynjah, learned GA, in his respond on behalf of the State respondent, has referred to the deposition of the survivor, copy of which has been produced before this Court, and has submitted that, in her narration of the facts and circumstances of the case, the survivor has not stated anywhere that the act of sexual intercourse with the petitioner/accused person was by mutual consent, therefore, at this stage, it can be presumed that the said act perpetrated upon



the survivor is a case of penetrative sexual assault, and as such, the prayer for grant of bail may not be allowed at this point of time, submits the learned AAG.

7. Ms. K. Decruse, learned Legal Aid Counsel appearing for the respondent No. 2/complainant/mother of the survivor has submitted that, on being instructed, the complainant, at this point of time, has no strong objection to the prayer made by the petitioner/accused person for grant of bail.

8. This Court, on consideration of the submission made by the learned counsel for the respective parties, has also perused the materials on record as well as the deposition of the survivor. The fact that there has been an incident of sexual intercourse between the survivor and the petitioner/accused person is not denied. In fact, the evidence of such an act has been brought out by the fact that the survivor was found to be pregnant and has by now, delivered a child. The survivor in her evidence has admitted that it was a case of her sexual encounter with the petitioner/accused person that the pregnancy has occurred. Though, in parts of her deposition, she has used the word 'sexual assault', but at some part of her deposition, she has stated that it was by 'mutual consent', and that there was no forceful sexual assault by the accused.

9. Though the evidence of the survivor as well as the evidence of all



the witnesses yet to be examined will have to be considered by the Trial Court at the time when the trial is concluded, suffice it to say that as far as the prayer made in this application is concerned, this Court, considering the fact that the case is at the stage of evidence with the survivor already being examined and discharged, it would serve no purpose for the continued custody of the petitioner/accused person, rather, if he is not given an opportunity to defend his case properly, it would defeat ends of justice.

10. Be that as it may, this Court would not comment on the merits of the case, however, under the facts and circumstances as has been indicated hereinabove, the prayer of the petitioner/accused for grant of bail is hereby allowed.

11. The petitioner/accused person is to be immediately 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 have no physical contact or shall not come into



contact with the survivor during the course of trial, unless required to do so by a specific order of the Trial Court; and

- v) That he shall bind himself on a personal bond of ₹ 30,000/- (Rupees thirty thousand) with one surety of like amount to the satisfaction of the Trial Court.

12. In view of the above noted observations, this petition is accordingly disposed of. No costs.

Judge