Serial No. 02
Regular List

MLHC010016952026

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 84 of 2026

Date of Decision: 26-11-2026
Uploaded on: 26-11-2026

Shri. Randolf Kynshai Pariat
Son of (L) Bimol Dohling
Resident of Iewshyllong, Laitlyngkot,
East Khasi Hills District,
Meghalaya.

…….. **Petitioner(s)**

- Vs-

1. State of Meghalaya represented by its
Secretary Home (Police) Department,
Government of Meghalaya,
Shillong, Meghalaya.

2. XYZ,
Daughter of QRS,
Resident of ABC,
East Khasi Hills District,
Meghalaya.

..…… **Respondent(s)**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. M.F. Qureshi, Adv.
Mr. L. Koch, Adv.

For the Respondent(s) : Mr. Atiar S. Dey, Sr. GA for R 1.
Mr. A. Dey, LAC/R 2.

i) Whether approved for reporting in Law journals etc.: Yes/No

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

JUDGMENT (ORAL):

1. Heard Mr. M.F. Qureshi, learned counsel for the petitioner/accused, who has submitted that the petitioner/accused has been implicated in connection with Pynursla P.S. Case No. 6 of 2026 under Section 7/9(l)(m)(n)/10 of the POCSO Act, which was registered on the basis of an FIR dated 20.01.2026 filed by the respondent No. 2/complainant before the Officer-in-Charge, Rynjah Police Station, Shillong.

2. According to the learned counsel, the allegation is mostly on the basis of an alleged case of molestation said to have been perpetrated by the petitioner/accused on the survivor, who is the daughter of the complainant.

3. The learned counsel has also submitted that upon filing of the charge sheet, the case has proceeded before the Trial Court for recording of evidence of the prosecution witnesses, which has taken a long time. Finally, on the last date fixed by the Trial Court i.e. on 18.11.2026, the complainant was examined, however, her deposition could not be concluded on the said date. He also submits that the survivor is yet to be examined since she has not appeared before the court on the date fixed. In view of the long period that the case has proceeded, and in view of the fact that the petitioner/accused is in custody for about 11(eleven) months or so, the learned counsel prays that he may be allowed to be enlarged on bail with any conditions that this Court may deem fit and proper to

impose. In this connection, the case of **Shri. Azahar Ali v. State of Meghalaya & Ors** has been referred to, wherein vide order dated 15.10.2026 passed in BA. No. 79 of 2026, this Court, at para 8 and 9 of the same, has made observation as far as the proceeding of the case is concerned, vis-à-vis, the application of Section 35 of the POCSO Act.

4. Mr. Atiar S. Dey, learned Sr. GA appearing on behalf of the State respondent No. 1, has strongly opposed the prayer made, on the ground of the seriousness of the case involving a very young survivor, who was sexually assaulted by the petitioner/accused herein. In fact, on the same day, at various intervals, the survivor was subjected to sexual assault by three different persons including the petitioner/accused herein, who incidentally are close relatives of the said survivor. In view of the gravity and nature of the offence, the prayer made herein may not be allowed, submits the learned Sr. GA.

5. In concurrence with the submission made by the learned Sr. GA, Mr. A. Dey, learned Legal Aid Counsel appearing for the respondent No. 2/complainant, has also submitted that, on being instructed, he is to oppose the prayer made in this petition on similar grounds, that is, on the seriousness of the offence, and also on the ground that the survivor, who was about 10 years old at the time of the incident, has been subjected to sexual assault by the petitioner/accused herein and two other persons, though not at the same time.

6. This Court has considered the submission made, and has also

acknowledged the seriousness of the offence alleged to have been committed by the petitioner herein. It is also the submission of the parties that the case is at the trial stage, that is, for recording of evidence of the prosecution witnesses, wherein, out of six stated witnesses, only the complainant has been examined, and that too, not in full.

7. As to the contention of the learned counsel for the petitioner/accused that at this point of time, even, if the petitioner/accused is granted bail, there will be no danger of either tampering with the evidence or witnesses, inasmuch as, he is also not a resident of the locality in which the survivor and the complainant are residing. As such, there is no question of threatening the witnesses.

8. When called upon to take up such kind of cases on the prayer for grant of bail, it is proper for this Court to ensure that there is a balance of equities to be considered, on one hand the life and liberty of a person, who prior to conviction, is deemed to be innocent, and on the other hand, societal interest, wherein, cases of acts of violence against women and children, Courts should not take a lenient view of the situation.

9. However, the facts and circumstances of this instant case, would reveal that, even, if the petitioner/accused is convicted, the sentence would range from 3 to 7 years. Accordingly, in view of the stated submission, this Court is inclined to allow the prayer made.

10. The petitioner/accused is 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 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 not come into contact with the survivor in any manner during the course of trial;

v) That he shall bind himself on a personal bond of ₹ 30,000/- (Rupees thirty 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

Verified
Digitally signed by: DARIKORDOR NARY
Signed On: 26-11-2026 19:29:21 IST