Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 87 of 2026

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

Shri. Jogendra,
S/o Ramjeet,
R/o 631, Dadiya Bidhar Khas,
P.O. Bidhur, Ambedkar Nagar,
UP 224155.

…….. **Petitioner(s)**

- Vs -

1. State of Meghalaya
   Represented by its Commissioner and Secretary,
   Home Police Department, Government of Meghalaya.

2. The Investigating Officer (I.O)
   Mawkyrwat, Women Police Station,
   South West Khasi Hills, Meghalaya.

3. Smti. X,
   D/o Smti. XY,
   R/o XYZ (Complainant)

…… **Respondent(s)**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. M.S. Malsom, Adv.
Ms. M. Surong, Adv.

For the Respondent(s) : Mrs. N.G. Shylla, PP with
Ms. I. Lyngwa, Addl. PP. for R 1 & 2.
Ms. P. Chettri, LAC/R 3.

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

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

JUDGMENT (ORAL)

1. An FIR dated 19.04.2026 was launched before the Officer In-charge, Mawkyrwat Police Station, by the respondent No. 2 herein, wherein, it was informed that her daughter was found locked in her room with a cloth tied around her neck. When the family members broke down the door, they found that she has since expired, though initially, the family members did not suspect anyone who has a hand in the said incident, however, when her deceased's mobile phone was viewed, they found photos, videos, voice messages and WhatsApp and also Instagram suggesting that she was driven to commit suicide on account of extraneous circumstances, pointing to the complicity of the accused person namely, Shri. Sachin Nishad.

2. Accordingly, a criminal case was registered as Mawkyrwat Women P.S Case No. 4 of 2026 under Section 77/79/351(3)/108 of BNS 2023, read with Section 66E/67A of the IT Act. In course of investigation, the said accused person was arrested on 23.06.2026 from Surat Gujarat and produced before the jurisdictional Magistrate on 25.06.2026.

3. Ms. M.S. Malsom, learned counsel for the petitioner has submitted that the petitioner, being a father of the said accused person has preferred this instant application with a prayer for grant of bail on behalf of the said accused person, Shri. Sachin Nishad, who is his son.

4. The learned counsel, in her submission, admitted that the deceased died under mysterious circumstances, is not denied, however, the fact that the subsequent action taken by the family members, that is, to have the dead body taken by the police personnel to Mawkyrwat Civil Hospital and thereafter, for filing of an application dated 19.04.2026 seeking exemption from postmortem of the deceased body, which prayer was allowed by the Magistrate concerned, would only point to the fact that the actual circumstances in which the deceased died could not be ascertained, more so, the allegation that she had committed suicide. There is also nothing on record to prove that the accused in question is connected to the cause of her dead. Therefore, the charge that the accused person has abated the alleged suicide by the deceased has not been proved by any evidence. His arrest and detention in custody are not warranted, and as such, the learned counsel prays that he may be allowed to be released on bail with any conditions that this Court may deem fit and proper to impose.

5. Per contra, Mrs. N. G. Shylla, learned PP assisted by Ms. I. Lyngwa, learned Addl. PP appearing for the State respondent, while opposing the prayer made in this petition, has submitted that from the FIR, it is evident that reference has been made to some materials found in the WhatsApp and Instagram account of the deceased which includes some photographs videos and voice messages which are indecent in nature. On investigation made, it is found that the particular mobile number from which source the said indecent materials have been sent, belong to the accused person herein.

6. It is also the submission of the learned PP that, in fact, after the said accused person was arrested, his statement under Section 180 BNSS was recorded, and there, it is found out that he has admitted to have known the deceased and that they have been in touch through the media of mobile phone. In course of their acquaintance, the accused has admitted that they have been communicating through WhatsApp messages, voice calls and video calls. In this manner, the accused had compelled the deceased to expose her upper body parts through WhatsApp video call and he has recorded such act. In due course, finding the deceased no longer responsive to his calls, he has managed to communicate to her through another phone number and there, he threatened her not to talk to another male friends and that, if he does so, he will upload her nude photographs and videos on Facebook. This, according to the learned PP is the caused of how the deceased has ended her life, as such, the accused person being very much involved in the death of the said deceased, he may not be allowed to be released on bail.

7. Ms. P. Chettri, learned Legal Aid Counsel appearing on behalf of the respondent No. 3/complainant has also submitted that she has been instructed to oppose this bail application on the ground that there are evidence linking the death of the deceased with role played by the accused person, and, if enlarge on bail, not being a resident of this State, there is every possibility that he is a flight risk and would therefore cause impediment to the trial.

8. This Court has considered the submission made, and has also perused the petition as well as the case diary produced before this Court. The submission of the learned counsel for the petitioner is duly noted, inasmuch as, there is no counter to the assertion as to the manner in which the said deceased died, the fact being that the place of occurrence was disturbed, and the dead body was taken to the hospital where the mandatory postmortem examination was not carried out, exemption of the same being sought by the family members of the deceased which was duly granted by the Magistrate. Accordingly, prima facie, it could not be ascertained as to how the deceased died. Even, if the claim of her committing suicide is accepted, no initial evidence in this regard was forthcoming. Since, the charge sheet has been filed, it is up to the prosecution to prove its case.

9. As to the complicity of the accused person, though there is self-admission to his complicity in the whole episode, nevertheless, it is well-settled that any statement or admission before the police cannot be taken as substantive evidence.

10. This being the case, at this stage, this Court is inclined to allow the accused person to be enlarged on bail so that he can prepare his defence. The anxiety of the prosecution as well as the respondent/complainant that he is a flight risk, since he is not a resident of this State, this apprehension cannot be a sole ground for rejection of the prayer made when adequate conditions including sufficient surety will be called upon to be provided by the accused, if granted bail.

11. Accordingly, the prayer made for grant of bail is hereby allowed. The accused person in question 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 India without prior permission of the Trial Court; and

iv) That he shall bind himself on a personal bond of ₹ 50,000/- (Rupees fifty thousand) only with two sureties of like amount, one of such surety to be a local resident of the jurisdictional Trial Court. Such bond to be executed to the satisfaction of the Trial Court.

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

Judge

Verified
Digitally signed by: DARIKORDOR NARY
Signed On: 26-11-2026 19:36:20 IST