Serial No. 04
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 89 of 2026

Date of Decision: 27.10.2026
Uploaded on: 27.10.2026

Sumer
S/o Balvant
Brother-in-law of the accused
R/o Choradi Aguni, Tehsil Chirawa,
P.O Dhingaria, P.S. Chirawa
District: Jhunjhunu, Rajasthan – 333033.

…….. **Petitioner(s)**

- Vs-

1. The State of Meghalaya, represented by
The learned Public Prosecutor.

2. Shri. X, son of XY, resident of XYZ
(Complainant)

..……. **Respondent(s)**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. P. Ghosh, Adv.

For the Respondent(s) : Mr. A.M. Pala, Assistant. PP vice
Mrs. N.G. Shylla, PP. for R 1.

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. P. Ghosh, learned counsel for the petitioner, who has submitted that the main ground for preferring this application for grant of bail on behalf of the accused, Debu Singh, who has been implicated in connection with Rongjeng P.S. Case No. 31 (10) 2015 under Section 366/370/370-A/34 IPC read with Section 5(l)/6 POCSO Act, and is now facing trial in the same case before the Court of the learned Special Judge (POCSO), East Garo Hills District, Williamnagar, the case being registered as Special (POCSO) Case No. 9 of 2023, is on the ground of prolonged incarceration of the accused person in judicial custody having crossed more than 3 years of such custody.

2. The second limb of argument advanced by the learned counsel is that the accused person is also suffering from hernia and is desirous of getting treatment outside the State of Meghalaya in the presence of his relatives, who are residents of the State of Rajasthan. On these two grounds, the learned counsel prays that bail may be granted to the accused person with any conditions as deem fit and proper to be imposed by this Court.

3. Mr. A.M. Pala, learned GA appearing for the State respondent No. 1 has submitted that, if the Court in its discretion would allow the prayer made for grant of bail, then strict conditions may be imposed, to ensure that the accused would appear before the court and take part in the trial amongst others.

4. This Court has considered the submission made, and is also aware that the trial is ongoing, inasmuch as, as has been submitted that eight out of fifteen prosecution witnesses have since been examined and discharged. Under such circumstances, it stands to reason that no further custodial interrogation or questioning is required as far as the accused is concerned.

5. The survivor and the complainant having been examined and discharged, the question of threatening the witnesses or tampering the evidence will not arise at this stage.

6. It is also well settled that prolonged custodial incarceration is not a healthy trend since it would impinge upon the fundamental rights of a citizen of this country, if the situation warrants, more often than not, it would be, but appropriate for an accused to defend his case while on bail.

7. In view of the above, the prayer made in this petition is hereby allowed.

8. The accused person is directed to be released immediately 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, except with

due permission of the court concerned; and

iv) 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.

9. In view of the above, this petition is disposed of accordingly. No costs.

Judge

Verified
Digitally signed by: DARIKORDOR NARY
Signed On: 27-10-2026 15:38:54 IST