



Serial No. 02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 22 of 2025

Date of Decision: 30.06.2025

Shri. Pindith A. Sangma,
F/o Shri. Ricky Pilar P. Marak,
Aged about 61 years,
R/o Lotnagar Baghmara South Garo Hills
District, Meghalaya – 794102.

..... **Petitioner**

- Vs-

1. The State of Meghalaya represented by Secretary,
Department of Home & Police Affairs,
Meghalaya, Shillong.

5. Smti. XYZ (Complainant),
W/o ABC
R/o LMN.

..... **Respondents**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Mr. P.T. Sangma, Adv.
For the Respondent(s)	:	Mr. K. Khan, PP with Mr. H. Abraham, GA. Mr. S. Sengupta, Addl. PP.

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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 AND ORDER (ORAL)

1. Heard Mr. P.T. Sangma, learned counsel for the petitioner, who has submitted that this petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 with a prayer for grant of bail on behalf of the accused person, Shri. Ricky Pilar P. Marak, who was arrested on the basis of a complaint made by the respondent No. 5/complainant on 26.11.2024 following which the same was registered as Baghmara Women P.S. Case No. 12 (11) 2024 under Section 64(2)(m)/65(1) BNS, 2023 read with Section 5(j)(ii)(1)/6 POCSO Act, 2012.

2. On investigation being initiated, the Investigating Officer had filed the charge sheet on 14.01.2025 with the finding that a prima facie well-established case is made out against the accused person, and he is to stand trial before the competent court of jurisdiction under the relevant sections of the POCSO Act.

3. The learned counsel has also submitted that the fact of the case is that the accused person is in a relationship with the minor daughter of the complainant, and in course of this relationship, he has admitted that there was an incident of sexual intercourse between them. The complainant on the



other hand, has asserted that her minor daughter had a physical relationship with the accused person, out of which, she was impregnated and on 21.06.2025, she delivered a baby girl. This has prompted the Investigating Officer to make a prayer before the concerned court for filing of a supplementary charge sheet on the ground that DNA test has to be conducted to determine the paternity of the said child.

4. However, it is also the submission of the learned counsel for the petitioner that, till date, the charges have not yet been framed and the accused person, since the day he was arrested i.e. on 26.11.2024, till date, he is still in custody. The learned counsel further submits that, since charge sheet has been filed, it implies that investigation is complete, except for the said prayer for the DNA test to be conducted, and as such, the accused person being a young student with no previous criminal records, he may be enlarged on bail with any conditions deemed fit and proper to be imposed by this Court.

5. Mr. K. Khan, learned PP assisted by Mr. H. Abraham, learned GA and Mr. S. Sengupta, learned Addl. PP for the State respondent, while opposing the prayer made by the petitioner, has submitted that the case involving the accused and the minor daughter of the complainant is one of sexual assault which is evident from the statement of the minor survivor



made before the police under Section 180 of the BNSS, wherein she had indicated that the accused person had used force when the act of sexual intercourse was committed. He had even promised to marry her, but has since rescinded from such promise. Considering the sensitivity of the case involving a minor survivor, the gravity and nature of the offence being serious, the learned PP had submitted that the prayer made in this petition may not be allowed.

6. This Court, on the basis of the materials on record including the contents of the case diary and the charge sheet produced before this Court by the parties, and on the basis of the submission made, is aware that the case of the petitioner is that his accused son is involved with the survivor in a boyfriend-girlfriend relationship, out of which, they had committed the act of sexual intercourse. As to the manner in which the act was committed, it would be incumbent upon the Trial Court to finally appreciate the evidence on record to come to a definite conclusion on how the offence was committed, if it was at all committed.

7. Considering the fact that the charge sheet has been filed in the month of January, 2025, and charges have not yet been framed till date, even after six months or so, the accused cannot be allowed to be in custody without



the liberty of affording him an opportunity to defend his case in the proper manner he wishes to do so. Mostly on this ground, this Court would consider the case of the petitioner, and has found it fit under the peculiar facts and circumstances of the case that the prayer made is to be allowed.

8. Accordingly, the accused son of the petitioner is directed to be released on bail on the following conditions that:

- i) He shall not abscond or tamper with the evidence and witnesses;
- ii) He shall appear before the Trial Court as and when required;
- iii) He shall not leave the jurisdiction of Meghalaya without prior permission of the Trial Court;
- iv) He shall not come into contact with the survivor at any point of time during the pendency of the case, except by explicit order of the court, if so required; and
- v) He shall bind himself on a personal bond of Rs. 30,000/- (Rupees thirty thousand) only with one surety of like amount to the satisfaction of the Trial Court.



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

Judge