



Serial No. 02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 4 of 2026

Date of Decision: 27.02.2026

Smti. Skola Nongbri
W/o (L) Shri. Bripli Shyrkon
R/o Pydengbia Village, P.O & P.S
Nongstoin, West Khasi Hills District,
Meghalaya, Pin Code – 793119.

..... **Applicant/Petitioner**

- Vs-

1. State of Meghalaya,
Through the Superintendent of Police,
West Khasi Hills District, Meghalaya.
2. Mr. XX (Complainant)

..... **Opposite Parties/
Respondents**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. P.S. Nongbri, Adv.

For the Respondent(s) : Mr. S. Sengupta, Addl. PP with
Mr. S.A. Sheikh, GA.
Mr. K.P. Bhattacharjee, GA. for R 1.

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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 learned counsels for the parties.
2. This is a case where the applicant has approached this Court with a prayer for grant of bail on behalf of her son, Shri. Ignatius Nongbri, who is an accused, who was arrested in connection with Nongstoin P.S. Case No. 74 (11) 2025 under Section 5(j)(ii)(1)/6 of the POCSO Act.
3. The circumstances leading to the arrest of the accused person in question is that, on the basis of a written information dated 10.11.2025 received from the Medical & Health Officer In-charge of Maweit PHC, West Khasi Hills District, informing the Medical & Health Officer In-charge Maweit PHC, West Khasi Hills District, Nongstoin about a case of teenage pregnancy, wherein a minor girl said to be aged about 17 years, had come for a medical examination and is found to be pregnant. Accordingly, a case under the relevant provisions of the POCSO Act was registered, on being informed that the name of the person who is responsible for such pregnancy, is the accused person herein.
4. Ms. P.S. Nongbri, learned counsel for the applicant has submitted that actually, the accused person and the survivor are husband and wife, and had been staying together for quite some time, the result of such relationship, being the pregnancy as aforementioned. Therefore, there is no question of



sexual assault per se committed upon the said survivor.

5. In view of such circumstances, the learned counsel has further submitted that the accused person may be allowed to be enlarged on bail with any conditions deemed fit and proper to be imposed by this Court

6. Mr. S. Sengupta, learned Addl. PP along with Mr. S.A. Sheikh and Mr. K.P. Bhattacharjee, learned GA appearing for the State respondent, has furnished the status report of the investigation prepared by the Investigating Officer, and in his report, the Investigating Officer has stated that this is a case of teenage pregnancy which is a result of a romantic relationship between the said survivor and the accused person. He has further indicated that the statement of the survivor has been recorded under Section 180 BNSS, wherein, on examination of the survivor, she had admitted that she is in a romantic relationship with her boyfriend, the accused herein, and they had consensual sexual intercourse which has resulted in the said pregnancy. In view of such statement, the learned Addl. PP has submitted that there is no strong objection by the State respondent for grant of bail.

7. This Court, on consideration of the submission made, is conscious of the fact that a case under the POCSO Act is serious in nature, particularly where it involves sexual assault of a child. However, in exceptional circumstances, when it involves love relationship, and the alleged sexual act



is consensual, more often than not, looking into the totality of the situation at the stage of consideration for grant of bail, there is no reason why the accused person should be contained in custody.

8. It is reiterated that this aspect of the matter has been noticed in the case of **Vijayalakshmi & Anr v. State represented by the Inspector of Police & Anr reported in 2021 SCC OnLine Mad 317**, para 18. For ready reference, the same is reproduced herein below:

“18. In the present case, the 2nd Petitioner who was in a relationship with the 2nd Respondent who is also in his early twenties, has clearly stated that she was the one who insisted that the 2nd Respondent take her away from her home and marry her, due to the pressure exerted by her parents. The 2nd Respondent, who was placed in a very precarious situation decided to concede to the demand of the 2nd Petitioner. Thereafter, they eloped from their respective homes, got married and consummated the marriage. Incidents of this nature keep occurring regularly even now in villages and towns and occasionally in cities. After the parents or family lodge a complaint, the police register FIRs for offences of kidnapping and various offences under the POCSO Act. Several criminal cases booked under the POCSO Act fall under this category. As a consequence of such a FIR being registered, invariably the boy gets arrested and thereafter, his youthful life comes to a grinding halt. The provisions of the POCSO Act, as it stands today, will surely make the acts of the boy an offence due to its stringent nature. An adolescent boy caught in a situation like this will surely have no defense if the criminal case is taken to its logical end. Punishing an adolescent boy who enters into a relationship with a minor girl by treating him as an offender, was never the objective of the POCSO Act. An adolescent boy and girl who are in the grips of their hormones and biological changes and whose decision-making ability is yet to fully develop, should essentially receive the support and guidance of their parents and the society at large. These incidents should never be perceived from an adult's point of view and such an



understanding will in fact lead to lack of empathy. An adolescent boy who is sent to prison in a case of this nature will be persecuted throughout his life. It is high time that the legislature takes into consideration cases of this nature involving adolescents involved in relationships and swiftly bring in necessary amendments under the Act. The legislature has to keep pace with the changing societal needs and bring about necessary changes in law and more particularly in a stringent law such as the POCSO Act.”

9. In the above, the Hon’ble Madras High Court, has also discussed on the aspect of love or romantic relationship and the fact that the parties involved should not be made to suffer unnecessarily. Under such circumstances, this petition is hereby allowed.

10. The accused, Shri. Ignatius Nongbri 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; and
- iv) That he shall bind himself on a personal bond of ₹ 20,000/- (Rupees twenty thousand) with one surety of like amount to the satisfaction of the Trial Court.

11. In view of the above noted observations, this petition is



accordingly disposed of. No costs.

12. Let copy of this order be issued upon the Superintendent, District Prison and Correctional Home, Shillong for compliance.

Judge