



Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 19 of 2026

Date of Decision: 12.05.2026

Shri. Kewan K. Marak,
S/o Shri. Mikilson Sangma,
R/o Mangsang Dosik Gittim,
P.O & P.S. Rongjeng,
East Garo Hills District,
Meghalaya.

..... **Applicant**

- Vs-

1. The State of Meghalaya represented by
The Superintendent of Police,
East Garo Hills District,
Williamnagar, Meghalaya.
2. The Officer-in-Charge,
Women P.S. Williamnagar,
East Garo Hills District, Meghalaya.
3. Shri. XXX Complainant.

..... **Respondents**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. M. Halder, Adv.
Mr. J.M. Sangma, Adv.

For the Respondent(s) : Mr. H. Kharmih, Addl. PP with



Mr. S.A. Sheikh, GA.

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. M. Halder, learned counsel for the applicant, who has submitted that an FIR dated 05.01.2026 was filed before the Officer-in-Charge, Rongjeng Police Station, East Garo Hills, Meghalaya by the respondent No. 3/complainant, wherein he has reported that his minor daughter was missing, and that she had eloped with the applicant herein.

2. Accordingly, on receipt of the said FIR, police case being Williamnagar Women P.S. Case No. 01 (01) 2026 under Section 3(a)/4 of the POCSO Act was registered.

3. In course of investigation, the applicant was arrested on 06.01.2026, and is now in judicial custody till date.

4. It is the submission of the learned counsel that there is no element of sexual assault present as far as the relationship between the applicant and the minor daughter of the respondent No. 3/complainant is concerned, but rather, it was a consensual relationship which was also duly admitted by the said minor daughter in her statement before the police as well as in her statement made before the Magistrate.



5. In such a situation, the learned counsel submits that this application has been made with a prayer for grant of bail, on the ground that the applicant has no previous criminal antecedent, and that he may be compelled to abide by any conditions that this Court may impose.

6. Mr. H. Kharmih, learned Addl. PP appearing on behalf of the State respondent has also admitted that, prima facie, the case wherein the applicant is involved, is one of a consensual manner, and under such circumstances, considering the relationship of two young people, no strong objection is made for grant of bail at this stage.

7. It is also submitted that by this time, the charge sheet has also been filed, charges framed against the applicant, and the stage of the case before the Trial Court is for recording of evidence of prosecution witnesses which has not yet commenced.

8. In view of the submission of the parties, as has been indicated hereinabove, this Court is of the considered opinion that practically, since investigation has been completed, the applicant is not required for any custodial interrogation, in fact, if prevented from defending his case without the shackles of custody, injustice would be caused to him under the circumstances. Accordingly, even on this ground alone, this Court is of the opinion that the bail sought for, may be granted.



9. The applicant is hereby directed to be released on bail forthwith 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 ₹ 30,000/- (Rupees thirty thousand) with one surety of like amount to the satisfaction of the Trial Court.

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

Judge