

(2025) 02 MEG CK 0930
In the Meghalaya High Court
Case No : Bail Application No. 72 Of 2024

Skiril Pariong

APPELLANT

Vs

State Of Meghalaya & Ors.

RESPONDENT

Date of Decision : 06-02-2025

Acts Referred:

Protection Of Children From Sexual Offences Act, 2012 — Section 3(a), 4

Citation : (2025) 02 MEG CK 0930

Hon'ble Judges : W. Diengdoh, J

Bench : Single Bench

Advocate : L. Syiem, K. Khan, H. Kharmih, S. Sengupta

Final Decision : Disposed Of

Judgement

W. Diengdoh, J

1. Heard Mr. L. Syiem, learned counsel for the applicant.
2. Also heard Mr. K. Khan, learned PP assisted by Mr. H. Kharmih and Mr. S. Sengupta, learned Addl. PP for the State respondent No. 1.
3. As notice earlier, the respondent No. 2, who is the complainant herein, has failed to appear before this Court inspite of notice being issued. Accordingly, matter shall proceed ex-parte against such respondent.
4. On perusal of the petition in hand, what is seen is that an FIR dated 01.06.2024 was lodged by the respondent No. 2/complainant before the Officer-in-Charge, Nongstoin Police Station on the allegation that on 29.05.2024 at around 9:00 pm, her minor daughter aged about 12 years old was sexually assaulted by the accused, who is the son of the applicant herein. On the FIR being registered as Nongstoin P.S. Case No. 26(6) 2024 under Section 3(a)/4 of the POCSO Act, the matter was investigated upon and in due course, on 30.07.2024, the Investigating Officer had filed the Final Report (FR) with the opinion that prima facie case has been found well-established against the

accused person son of the applicant herein namely, Shri. Banistar John Pariong. The matter is now at the stage of trial, the charges having been framed under the relevant provisions of law including the POCSO Act.

5. The learned counsel for the applicant has informed this Court that the stage of the case is for recording of evidence of witnesses, five in all, however, on the previous date fixed by the Trial Court for recording of evidence i.e. on 31.01.2025, none of the witnesses have been examined, and the next date fixed for the matter is 12.02.2025.

6. On the basis of the facts and circumstances of the case, it is the submission of the learned counsel that the accused person is innocent and is not involved as far as the alleged offence is concerned. More so, he is in custody for about seven months or so till date, and as such, considering the right of the accused person as far as his liberty is concerned, the accused person may be enlarged on bail on any conditions that this Court may deem fit and proper to impose.

7. Per contra, Mr. K. Khan, learned PP has submitted that the trial of the case involving the accused person herein has not been delayed in any way, inasmuch as, the charge sheet has been filed in the month of July, 2024, and the number of witnesses are not so many. In fact, only five witnesses have been named by the Investigating Officer, and as such, considering the seriousness of the offence involved, it would be just and proper for the prosecution to pursue the case before the Trial Court till conclusion thereof, and the case of the accused person in question to be determined by the Trial Court. Bail at this juncture is opposed, further submits the learned PP.

8. This Court has considered the submission made by the learned counsels for the parties, and has also perused the petition in hand. Facts having been stated above, what is required to be considered is whether the accused person is entitled to grant of bail at this stage. No fresh circumstances have been cited by the accused person or the applicant for that matter to allow this Court to consider the case of the applicant as far as the facts and circumstances of the case is concerned. The only probable way out for the accused is the length of the period within which the trial is expected to be concluded, prolonged trial would indeed allow this Court to be lenient as far as consideration of bail is concerned. However, such consideration is not yet warranted at this point of time.

9. On an overall consideration of the facts and circumstances of this case, at this point of time, this Court is not inclined to allow the prayer made by the applicant.

10. Considering the fact that this Court is informed that the next date fixed before the Trial Court for recording of evidence is on 12.02.2025, if on that day, no substantial progress is made as far as recording of evidence is concerned, the applicant is at liberty to approach this Court once again for fresh consideration of the case of the accused person.

11. This petition is accordingly disposed of as indicated hereinabove.