



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 26 of 2026

Date of Decision: 19.05.2026

Smti. Dashisha Pariong,
Wife of Shri. Kyrshanborlin Marthong,
Aged about 38 years
Resident of Shitangbah Village,
West Khasi Hills District, Meghalaya.

..... **Petitioner**

- Vs -

1. State of Meghalaya represented by its
Secretary, Government of Meghalaya,
Shillong, East Khasi Hills District,
Meghalaya.
2. Superintendent of Police,
West Khasi Hills District,
Nongstoin, Meghalaya.
3. Officer-in-Charge,
Nongstoin Police Station,
West Khasi Hills District, Meghalaya.
4. Mr. Y (Complainant).
5. Mrs. X (Added vide order dated 11.05.2026)

..... **Respondents**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge



Appearance:

For the Petitioner/Appellant(s) : Ms. B. Sun, Adv.
Mr. P. Dey, Adv.

For the Respondent(s) : Ms. O.A.I. Bang, GA. for R 1-4.
Mr. E. Marwein, Adv. for R 5.

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. This is a case where, apparently, a young couple who is involved in a love relationship, had sexual intercourse, as a result of which the survivor became pregnant, and on this fact being made known, she was accordingly sent for medical examination, and since the survivor is a minor, the law under the POCSO Act was set in motion with the FIR filed and investigation carried out, leading to the arrest of the son of the petitioner, who has since been incarcerated in custody.

2. Ms. B. Sun, learned counsel for the petitioner has laid stress on the fact that records would show that from the statement of the survivor as well as that of the mother of the survivor, it is clear that there is a consensual relationship between the survivor and the accused person, and the consensus was that they will eventually get married in due time.

3. Of course, in the meantime, since the survivor became pregnant, a



child was born out of such union on 28.09.2025.

4. Since the whole affair was noticed only when the survivor had come for a medical examination on account of her pregnancy, therefore, the mandatory report leading to the filing of the FIR was lodged by a police officer.

5. Pursuant to this Court's direction, the mother of the survivor was directed to appear before this Court and to state her case. Accordingly, Mr. E. Marwein, learned counsel has appeared on her behalf as respondent No. 5, and has submitted at the bar that the mother of the survivor has no objection to the prayer made in this petition.

6. Ms. O.A.I. Bang, learned GA appearing for the State respondent Nos. 1-3 including the complainant/respondent No. 4 has also submitted that there is no strong objection on the part of the State respondent for the prayer made in this petition to be allowed.

7. It is to be noted that the case has since proceeded for trial, and the survivor has since deposed as PW. 1, under such circumstances, it would not be proper for the accused person to remain in custody any further, considering the fact that he is to defend his case in a free and fair atmosphere.

8. Needless to say, the primary concern at this point of time, will be the welfare of the mother and the child for which, necessary legal provision has been provided including the role of the Child Welfare Committee, who will look into



this matter in accordance with law.

9. Without going into the merits of the case of the parties which would be the subject matter of the trial, at this juncture, this Court is of the opinion that the prayer made for grant of bail be allowed.

10. In view of the observations made hereinabove, this petition is allowed.

11. The accused person in question 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.

12. Petition disposed of. No costs.

Judge