



Serial No. 09
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA No. 52 of 2026

Date of Decision: 10.08.2026

Smti. Connie B. Shullai
W/o Shri. Sanwer Sohlang
R/o Mawlai Nongpdeng
Shillong, Meghalaya.

...Petitioner

-Versus-

1. State of Meghalaya,
Represented by the Secretary,
Government of Meghalaya,
Home (Police) Department
Meghalaya
2. The Investigating Officer
Mawlai Police Station
Shillong
4. Smti. Y (Complainant in Mawlai PS Case No. 134(10) 2025
Through Officer-in-Charge
Mawlai Police Station
Shillong
5. Smti. X (Mother of Survivor in Mawlai P.S Case No. 134(10)
2025
Through Officer-in-Charge
Mawlai Police Station
Shillong

...Respondents

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge



Appearance:

For the Petitioner/Appellant(s) : Mr. K.Ch. Gautam, Adv.
Ms. G.C. Marboh, Adv.

For the Respondent(s) : Mr. N.D. Chullai, AAG with
Mr. E.R. Chyne, Asst. P.P (For R 1 & 2)
Ms. P. Chettri, LAC (For R 3 & 4)

i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

JUDGMENT & ORDER (ORAL)

1. Heard Mr. K.Ch. Gautam, learned counsel for the petitioner who has submitted that this application for grant of bail has been made on behalf of the accused Shri. Kenny Shullai who was at the first instance, arrested on 01.11.2025 on the basis of an FIR dated 29.10.2025 lodged by the respondent/complainant herein. The FIR in question has disclosed the fact that the survivor who is the daughter of the respondent No. 5 and a student of the said complainant, had disclosed to her the fact that she was sexually abused and assaulted by the accused/son of the petitioner for a number of years since she was 4 years of age and continuing till she was 12 years of age when the commission of such offence became known. The police have accordingly registered the FIR as Mawlai P.S. Case No. 134(10) 2025 under Section 5(1)(m)(n)/6 of the POCSO Act and investigation was launched.

2. In course of investigation, the IO has found prima facie evidence



implicating the accused person to the offence and he was made to stand trial. On the Trial Court taking cognizance of the matter Special (POCSO) Case No.12 of 2026 charges have been framed and the recording of the evidence of the prosecution witnesses is ongoing. Till date, out of 10 prosecution witnesses, 3 witnesses including the survivor have been examined and discharged. It is the submission of the learned counsel for the petitioner that irrespective of the allegations made and the evidence recorded so far, the fact remains that in exercise of his fundamental rights the accused is to be allowed to present his defence in a free and fair atmosphere which he could not do so if he is incarcerated in custody. It is, therefore, prayed that this petition may be allowed and bail be granted with any conditions as deemed fit and proper.

3. Per contra, Mr. N.D. Chullai, learned AAG along with Mr. E.R. Chyne, learned Asst. P.P has vehemently opposed the prayer made in this application and has submitted that the manner in which the offence of sexual assault and abuse has been perpetrated by the accused person are gruesome in nature and has tarnished not only the personality of the survivor but has also affected her person, being a child of very tender age. In fact, as far as the survivor's statement in court is concerned, she had been sexually abused and assaulted since the age of 4 years till she was 12 years old as such, such act could not be condoned by this Court under any circumstances. It is, therefore, prayed that the prayer made in this petition may not be allowed.



4. Ms. P. Chettri, learned Legal Aid Counsel appearing on behalf of the complainant has also submitted that on being instructed and in her interaction with the mother of the survivor, what has emerged is that the survivor is still traumatized by the act of the accused person and if enlarged on bail she will not be able to rest easy knowing that the accused person may threaten or harm her in any manner. It is, therefore, prayed that the prayer made in this application may not be allowed.

5. This Court has considered the submission made and has also perused the petition as well as the deposition of the survivor and would agree that prima facie the case against the accused person appears to be very grim. The manner in which the abuse has been perpetrated would indeed shock the conscience of the Court, the fact being that the perpetrator is the uncle of the survivor and it is not only a question of violation of the person of the survivor but that the trust reposed in such a relationship has been broken which would inevitably leave emotional scars as far as the survivor is concerned.

6. Be that as it may, it is the submission of the parties that trial is ongoing and out of 10 witnesses 3 witnesses have since been examined. Taking into account the parameters which have to be considered by this Court, as far as grant or non-grant of bail is concerned, the severity and gravity of the offence being one such instance, at this stage, this Court is not inclined to allow the prayer made in this application.



7. Accordingly, this petition is hereby dismissed as being devoid of merit.

8. Petition disposed of.

Judge

Meghalaya
10.08.2026
"Tiprilynti-PS"