



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 1 of 2021

Date of Decision: 12.03.2021

Shri. Abdul Kalam SK Vs. State of Meghalaya.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. A. Khan, Adv.
For the Respondent(s) : Mr. H. Abraham, GA.

i)	Whether approved for reporting in Law journals etc.:	Yes/No
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ii)	Whether approved for publication in press:	Yes/No
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1. Heard Mr. A. Khan, learned counsel for the petitioner herein who is the father of the accused person Shri. Habibul Islam who has been implicated in connection with Special (POCSO) Case No. 39 of 2020 under Section 366A/34 IPC read with Section 5 (g) (i)/6 of POCSO Act, 2012 before the learned Court of Special Judge (POCSO) West Garo Hills District, Tura.

2. Also heard Mr. H. Abraham, learned GA for the State respondent.

3. This is a case involving allegation of aggravated sexual assault and rape on a minor girl.

4. Learned counsel for the petitioner has submitted that the accused person having been in custody for the last 6(six) months has come before this Court with a prayer for grant of bail on the ground that his custodial incarceration is no longer required since the case has already reached the stage of consideration of charge, the charge sheet having been already filed. The learned counsel has also submitted that the only concern would be that the accused if enlarged on bail would abscond, which is otherwise, inasmuch as, the said accused person is a student and permanent resident of Bholarbhita,



Phulbari, West Garo Hills District, Tura, therefore there is no possibility for him to abscond. It is therefore prayed that this application may be allowed and the accused person may be enlarged on bail with any condition imposed by this Court.

5. Learned GA has strongly opposed this application and has led this Court to page 52 of this application, which is a copy of the statement of the victim under Section 164 Cr.P.C, wherein she has clearly narrated the incident of rape and sexual assault perpetrated on her by the said accused person Shri. Habibul Islam and two others.

6. On consideration of the submissions made, at this stage, this Court finds that the petitioner has not made out a case for grant of bail. Accordingly, this application is dismissed as devoid of merit and the same is disposed of.

Judge

Meghalaya
12.03.2021
"D. Nary, PS"

