

**(2025) 12 MEG CK 0021**

**Meghalaya HC**

**Case No:** Bail Application No. 54 Of 2025

Sibaris Kyrsen & Ryntathiang

APPELLANT

Vs

State Of Meghalaya & Ors

RESPONDENT

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**Date of Decision:** Dec. 5, 2025

**Acts Referred:**

- Protection Of Children From Sexual Offences (POCSO) Act, 2012 - Section 5(j)(ii), 6

**Hon'ble Judges:** W. Diengdoh, J

**Bench:** Single Bench

**Advocate:** K.S. Kharshiing, S. Sengupta, A.M. Pala

**Final Decision:** Disposed Of

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### **Judgement**

W. Diengdoh, J

1. Heard Mr. K.S. Kharshiing, learned counsel for the petitioner, who has submitted that the petitioner is the sister of the accused person, Shri. Kitbok Ryntathiang, who was arrested on 18.09.2025 in connection with an FIR dated 05.09.2025 lodged by the Chairperson, Child Welfare Committee, Eastern West Khasi Hills District, Mairang, wherein the said informant had informed the police of a case of teenage/underage pregnancy. Accordingly, the police have registered a case being Mairang P.S. Case No. 88 (09) 2025 under Section 5(j)(ii)/6 of the POCSO Act.

2. The petitioner has now approached this Court with a prayer for grant of bail, with the contention that the accused person is practically living with the survivor as husband and wife, and their relationship was that of a love relationship, out of which, a child was born to them. Admittedly, the survivor is a minor and for this reason, the accused person was arrested under the relevant provision of the POCSO Act. However, the fact of the matter being that, it is not a case of sexual assault, per se, and that neither the survivor or her guardian has opposed to the grant of bail. At this stage, it is prayed that the prayer for grant of bail be allowed, to allow the accused to defend his case in course of trial. It is also the submission of the learned counsel that the accused has no criminal antecedent and would abide by any conditions to be imposed by this Court, if released on

bail.

3. It is the further submission of the learned counsel that this Court in a similarly situated case being the case of **Smti. Bibiana Wanniang v. State of Meghalaya & Ors**, wherein vide order dated 18.11.2025 passed in BA. No. 50 of 2025, this Court has granted bail to the accused person therein.

4. Mr. S. Sengupta, learned Addl. PP assisted by Mr. A.M. Pala, learned GA appearing for all the State respondents including the informant/complainant, has submitted that the State has no strong objection to the prayer made, and furthermore, it is reliably learnt through the Investigating Officer that the survivor or her mother has no objection to the prayer made in this petition, if so granted.

5. On consideration of the submission made by the parties, facts as indicated hereinabove, need not be reiterated, and as has been submitted by the learned counsel for the petitioner, the case of Smti. Bibiana Wanniang (supra) is also a case with similar facts and circumstances as in this instant case, and this Court, on consideration of all aspects of the matter, particularly the fact that there is a cordial relationship between the accused and the survivor, also taking into account the fact that the trial is yet to be started and concluded, at this stage, is inclined to allow the prayer made.

6. It would be proper to refer to the observation made by this Court in the said case of Smti. Bibiana Wanniang, wherein at para 10, the following has been observed:

“10. Be that as it may, this Court, at this juncture, when considering an application for grant of bail, in the peculiar facts and circumstances of the case, considering the relationship between the survivor and the accused person, is inclined to allow the prayer made in this petition. In this connection, it will not be out of place to cite the case of Vijayalakshmi & Anr v. State represented by the Inspector of Police & Anr reported in 2021 SCC OnLine Mad 317, para 18. For ready reference, the same is reproduced herein below:

“18. In the present case, the 2nd Petitioner who was in a relationship with the 2nd Respondent who is also in his early twenties, has clearly stated that she was the one who insisted that the 2nd Respondent take her away from her home and marry her, due to the pressure exerted by her parents. The 2nd Respondent, who was placed in a very precarious situation decided to concede to the demand of the 2nd Petitioner. Thereafter, they eloped from their respective homes, got married and consummated the marriage. Incidents of this nature keep occurring regularly even now in villages and towns and occasionally in cities. After the parents or family lodge a complaint, the police register FIRs for offences of kidnapping and various offences under the POCSO Act. Several criminal cases booked under the POCSO Act fall under this category. As a consequence of such a FIR being registered, invariably the boy gets arrested and thereafter, his youthful life comes to a grinding halt. The provisions of the POCSO Act, as it stands today, will surely make the acts of the boy an offence due to its stringent nature. An adolescent boy caught in a situation like this will surely have no defense if the criminal case is taken to its logical end. Punishing an

adolescent boy who enters into a relationship with a minor girl by treating him as an offender, was never the objective of the POCSO Act. An adolescent boy and girl who are in the grips of their hormones and biological changes and whose decision-making ability is yet to fully develop, should essentially receive the support and guidance of their parents and the society at large. These incidents should never be perceived from an adult's point of view and such an understanding will in fact lead to lack of empathy. An adolescent boy who is sent to prison in a case of this nature will be persecuted throughout his life. It is high time that the legislature takes into consideration cases of this nature involving adolescents involved in relationships and swiftly bring in necessary amendments under the Act. The legislature has to keep pace with the changing societal needs and bring about necessary changes in law and more particularly in a stringent law such as the POCSO Act.”

7. In view of the above, the prayer made in this petition is hereby allowed.

8. The accused, Shri. Kitbok Ryntathiang 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.

9. In view of the above noted observations, this petition is accordingly disposed of. No costs.