

IN THE HIGH COURT OF MANIPUR

AT IMPHAL

AB No. 2 of 2022

Thokchom Sanathoi Singh, aged about 47 years, S/o Thokchom Ibochouba Singh of Heirok Pt. II Thokchom Leikai, Gram Panchayat, P.O. & P.S. Heirok, Thoubal District, Manipur-795148.

..... Petitioner/Applicant

- Versus -

Officer-in-Charge, Heirok Police Station, Thoubal, Manipur-795148.

.....Respondent/s

with

AB No. 3 of 2022

Thokchom Shyamchand Singh, aged about 52 years, S/o Angou Singh of Heirok Pt. II Wanjing, Thoubal District, Manipur-795148.

.....Petitioner/Applicant

-VS-

Officer-in-Charge, Heirok Police Station, Thoubal, Manipur-795148.

.....Respondent

with

AB No. 4 of 2022

Dhruba Thokchom, aged about 44 years, S/o Thokchom Nimaichand Singh of Heirok Pt. II Thokchom Leikai, Thoubal, Wanjing, P.O. & P.S. Heirok, Thoubal District, Manipur-795148

....Petitioner/Applicant

-VS-

Officer-in-Charge, Heirok Police Station, Thoubal, Manipur-795148.

.....Respondent

B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For the Petitioners	::	Mr. Ch. Ngongo, Sr. Adv. assisted by Ms. S. Gangarani, Advocate.
For the Respondent	::	Mr. H. Samarjit, PP for the State.
Date of Hearing	::	17.08.2023
Date of Judgment and Order	::	27.11.2023

JUDGMENT AND ORDER (CAV)

[1] Heard Mr. Ch. Ngongo, learned senior counsel assisted by Ms. S. Gangarani, learned counsel for the petitioners and Mr. H. Samarjit, learned PP for the State respondent. Since these bail applications are related to the same FIR, they are heard together and being disposed of by this common order.

[2] The brief fact of the case is that on 21.12.2021 at around 9:25 pm, some unknown persons numbering about 200/300 comprising of males and females assembled and formed an unruly mob at Heirok Part-II Bazar area by violating the promulgation orders of District Magistrate, Thoubal imposed in all areas of Heirok Village. The unruly mob turned violent by holding deadly weapons like spades, iron rods, dao, wooden legs, etc. and started pelting stones among themselves and heard gun shots. As a result, some individuals received injuries and evacuated to Hospital for medical treatment. Acting on the information, a suo-motu case under FIR No. 31(12)2021 HRK-PS U/S 147/148/149/188/326 IPC & 25(1-C) Arms Acts was registered.

[3] On the basis of a complaint lodged by one Mr. Khundongbam Shyambi Singh another FIR No. 38(12)2021 HRK-PS U/S 457/307/34 IPC & 25 (1-C) Arms Act was registered. In the complaint dated 22.12.2021 lodged by the complainant, namely Mr. Khundongbam Shyambi Singh, the names of the 3 (three) petitioners were specifically mentioned. Apprehending arrest, the petitioners approached this Court by way of the present applications under Section 438 Cr.PC praying for pre-arrest bail.

[4] Vide separate orders dated 07.03.2022, this Court granted interim protection to the petitioners with the following conditions:

- (i) In the event of his release in connection with the aforesaid FIR, the petitioner should be released on interim bail on his furnishing a bond of Rs. 100000/- (Rupees one lakh) with one surety to the satisfaction of the arresting authority.
- (ii) The petitioner shall co-operate with the investigation and make available for interrogation by I.O. of the case as and when required;
- (iii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him to disclose such facts of the Court or to any other authority;
- (iv) The petitioner should not leave the State without prior permission of the arresting authority; and

- (v) Liberty is given to the police to make any appropriate application for modification/recalling this order, if the petitioner violates any of the conditions imposed by this Court.

[5] Mr. Ch. Ngongo, learned counsel for the petitioners, submits that the petitioners did not participate in the mob and they are the cousins of the complainant and due to personal enmity, their names have been included in the complaint. He further submits that the petitioners were not involved and they were present there to pacify the mob consisting of members of BJP and Congress on both sides. The 2 (two) FIRs are arising out of the same incident and to be clubbed together. Hence, only one bail application each is filed against both the FIRs. It is stated that the petitioners apprehended arrest in connection with the present case and prayed for granting pre-arrest bail and to undertake that they will comply with all the directions imposed by this Court.

[6] Mr. H. Samarjit, learned PP, submits that the petitioners involved in the mob and bullet injury was sustained by the son of the complainant. Custodial interrogation of the petitioners is required to establish the true facts of the case and involvement of other accused persons. It is stated that as per the medical report issued by RIMS, Hospital, the nature of injury sustained is grievous one caused by fire weapon. Learned PP prays that the bail application may be rejected for proper and smooth investigation of the case.

[7] Considered the submissions made by the learned counsel for the parties and materials on record.

[8] As reported in the newspaper report, there was a clash between BJP and Congress workers and son of the complainant got sustained bullet injury. But from the bail objection report, it is not clear who fired the bullet and who is the owner of the gun. On perusal of the bail objection report, it is seen that as directed by this Court, the petitioners appeared before the investigating officer and their statements have been recorded. Nothing specific is mentioned in the report against the petitioners. Since the petitioners are co-operating with the investigation and in absence of any concrete material against them at this stage of investigation, this Court is inclined to allow the bail applications.

[9] Accordingly, the interim bail granted vide order dated 07.03.2022 are made absolute on the same condition. Bail applications are disposed of accordingly.

[10] Send a copy of this order to the O.C. Heirolk PS for information.

JUDGE

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