

IN THE HIGH COURT OF MANIPUR

AT IMPHAL

Bail Application No. 3 of 2023

Sharangthem Priyoranjan Singh aged about 47 years S/o Late Sh. Ananda Singh of Wangjing Hodamba Awang Leikai, P.O. Wangjing P.S. Thoubal District Thoubal District Manipur-795148.

..... Petitioner/s

- Versus -

The Inspector of Police/Officer-in-Charge (OC), Nongpok Sekmai Police Station.

.....Respondent/s

B E F O R E

HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For the petitioner	::	Mr. B. Prem Sharma, Advocate
For the respondents	::	Mr. H. Samarjit, PP for the State.
Date of hearing	::	31.03.2023
Date of Judgment and Order	::	11.04.2023

JUDGMENT AND ORDER (CAV)

[1] The present bail application is filed by accused No. 2 who was arrested on 15.12.2022 in connection with FIR No. 17(2)2022 NSK P.S. u/s 20/17 UA (P) A Act & 25 (IB) Arms Act/34/IPC. Vide order dated 17.01.2023 in Cril.Misc.(B)Case No. 434 of 2022, the Ld. Special Judge (NIA), Thoubal, Manipur rejected the bail application as there was prima facie material against the accused person, as ammunitions were seized from him and he along with the co-accused had served demand

letters/extortion letters on behalf of the Military Council, KCP-MC to the general public.

[2] The brief fact of the case is that on 16.12.2022 at 12:05 am the complainant namely HC Kh. Rambai Singh of CDO Unit Thoubal reported to OC/NSK-PS stating that, on 15.12.2022 at around 7:30 pm received a reliable information that some active members of KCP (MC) unlawful organization are loitering in and around Langmeithet area for their prejudicial activities like extortion of money from the public in Thoubal District. Acting on the information a team of CDO Unit Thoubal led by Mr. Okramcha Wangkhomba, MPS, Addl. SP (Ops) Thoubal and assisted by Inspt. K. Nitaranjan Singh, OC/CDO Thoubal Unit, Thoubal District and Hav. L. Robindro Singh under the supervision of Shri Jogeshchandra Haobijam, IPS, SP/Thoubal immediately rushed to the said area and conducted frisking and checking while conducting frisking and checking one unknown was seen coming from Langmeithet Mamang Leikai side towards Salungpham side in a very suspicious manner. Due to his suspicious nature, the unknown person was detained for verification. On his body search was found the the following items (i) 2 (two) deand letters heading written as Military Council KCP-MC (ii) one Redmi Note 10 mobile handset along with 2 (two) Jio Sim cards bearing mobile Nos. 9366697976 and 7005591036 and (iii) on Kechaoda mobile handset along with one Airtel Sim card bearing mobile no. 8798653354. On preliminary verification, he identified himself as Soibam Bidyasagar Meitei @ Pakpa (38) S/o S.

Ibohal Meitei of Wangjing Hodamba Leikai a member of the banned outlawed KCP(MC) organization. He disclosed that he has been working under the command of one Sharangthem Priyoranjan Singh of Wangjing Hodamba Mamang Leikai. Further, he revealed that he along with Sharangthem Priyoranjan Singh served demand letters to the M/S CWE Brick Field Langmeithek, Thoubal District. Hence, he was arrested at 09:00 pm of 15.12.2022 from Langmeithek Mamang Leikai by observing formalities. On follow up action, Sharangthem Priyoranjan Singh (47) S/o (L) S. Ananda Singh of Wangjing Hodamba Mamang Leikai was arrested at 10:30 from his house at Wangjing Hodamba Mamang Leikai by observing formalities. On his body search one Redmi Note 11 Pro+ 5G along with 2 (two) SIM cards bearing mobile no. 93666087383 and 8118925174 and 2 (two) live round ammunition i.e. 7.62 mm and 5.56 mm ammunition recovered from his possession and seized by observing formalities. The arrested persons along with the seized articles have been handed over to OC/NSK-PS for taking further necessary legal action against them. Hence, the case and investigated into.

[3] The accused persons were remanded into police custody for a period of 6 (six) days w.e.f. 16.12.2022 to 21.12.2022 by the Court of Hon'ble JMFC/Thoubal. During the police custody period, the accused persons were interrogated thoroughly and minutely and also recorded their statement U/S 161 Cr.P.C. On interrogation, the accused person namely, Soibam Bidyasagar Meitei @ Pakpa (38) yrs. S/o, S. Ibohal Meitei of

Wangjing Hodamba Leikai revealed that, in the month of August 2022 he and Priyoranjan were having local liquor at one meat vender located at Heirolk. After having liquor, they came out from vender and went to their local ground and they talked there about the money i.e. refunded the borrowed money from his parental aunty a sum of Rs. 5 lakhs and Priyoranjan also borrowed a sum of Rs. 13 Lakhs from their colleague for treatment of his cancer patient father. Later they discussed how to get money easily. Then, the accused No. 2 took out his mobile phone and shown him a MNRF demand letter from his mobile phone whatapp group and he suggested Bidyasagar to print out the same demand letter and modification some words from the demand letter and printed out new demand letters. Then, delivering the new demand letter in the name of KCP(MC) outfit to one CWF Brick Field located at Langmeithek and demand a sum of Rs. 3 lakhs only. In the second week of November, 2022, Mr. Priyoranjan printed out two demand letters from his mobile phone after modification of some words and also making two seal of KCP(MC).

[4] It was also stated by the said Soibam Bidyasagar Meitei @ Pakpa that on 30.11.2022 at around 6:15 pm Mr. Priyoranjan came to his local paddy field and meet him there then he took out 5/6 demand letters and one demand letter were signed by him and Priyoranjan. Later they went to CWF Brick Field located at Langmeithek by an Activa Scooter driven by him and reached at the CWF brick field and delivered the

demand letter to the mohori of the said brick field. In the first week of December, he and Priyoranjan went to Heirok viz. Salungpham inter village road by an activa Scooter, then they two stopped Activa Scoter on the road side and Priyoranjan took out one blank demand letter and also returned demanded wording by his (Priyoranjan) owned hand to CWF Brick Field and demanded a sum of Rs. 3 lakhs. On the same day at about 7:00 pm they went to CWF Brick Field by Activa and reaching at the gate of the said Brick Field they get down from the Activa. Later, Priyoranjan gave him one AK ammunition and one Insas Rifle ammunition further told him that to hand over the same live ammunition to the mohori but Mohori was not found, they found one staff of the Brick Field Priyoranjan gave one demand letter to the staff of the Brick Field and he (Bidyasagar) also gave one demand letter to the staff of the Brick Field and he (Bidyasagar) also gave the ammunition. Further, Priyoranjan told to the staff of the said Brick Field to contact them within 48 hrs. about extortion money. On the next day morning at about 4:50 am he and Priyoranjan went morning working in that time, they burnt the remaining demand letters and sealed of KCP (MC) at their local paddy field.

[5] It is stated that the petitioner is not involved in the case, there is no material against him and he is a Rifleman in the Indian Reserve Battalion under Manipur Police. It is also stated that he joined the Manipur Police Service in the year, 2007 and there is no adverse remark and he is not involved in any criminal record till date. He has been undergoing

treatment of O.C.D. (Obsessive Compulsive Disorder) and has been undergoing for different ailments at different Clinics, Imphal. The petitioner is not the main accused. The petitioner appeared before the Thoubal PS as instructed by SP, Thoubal. He appeared before the OC, Thoubal PS along with the Pradhan but he was wrongly arrested on accusation of false charge of sending demand letter in the name of unlawful organization, namely KCP-MC. It is also stated that he was not arrested from his house but he was arrested at the Thoubal P.S. When the petitioner appeared before the OC, Thoubal PS, he has no arms and ammunitions and he was wrongly implicated in the case. It is prayed that he may be released on bail and he is ready to furnish bail bond and he is the only member of his house.

[6] The respondent filed counter affidavit and stated that the petitioner is involved in extortion of money on behalf of the KCP-MC along with the co-accused and he was sending demand letter to M/S CWE Brick Field Langmeithek, Thoubal District. On interrogation, co-accused revealed that he and the present petitioner conspire to serve demand letter on behalf of MNRF and sent demand letter.

[7] Heard Mr. B. Prem Sharma, learned counsel for the petitioner and Mr. H. Samarjit, learned PP for the State respondent.

[8] Mr. B. Prem Sharma, learned counsel for the petitioner, submits that there is no material against the petitioner and he being a

Police Personal, such allegation against him is unbelievable. The Ld. Special Court (NIA), Thoubal has also misconstrued the total facts of the case and wrongly rejected his bail application. During the course of hearing, Mr. B. Prem Sharma, learned counsel for the petitioner, has produced a copy of the order dated 17.03.2023 passed by the Special Judge (NIA), Thoubal in Cril.Misc.(B)Case No. 135 of 2023 where the co-accused was granted default bail under Section 43-D of UA(P) A. Act and Section 437 Cr.P.C. as charge-sheet could not be filed within 90 days. He prays that the same parity may be given to the present petitioner, who is accused No. 2 in the case.

[9] Mr. H. Samarjit, learned PP for the State respondent, submits that the present petitioner is a police personal who is involved in unlawful activities along with the co-accused and this Court should take serious view of the matter and no substantial ground has been stated by the petitioner except for stating that he is a police personal. Regarding the submission that the co-accused has been released by the trial court on default bail, learned PP reiterates that the petitioner may approach the Special Court for similar relief and this Court is examining the consideration of bail on merit.

[10] Perused the materials on record, rival submissions and including default bail to the co-accused.

[11] In the present case, learned counsel for the petitioner has not been able to substantiate his submission except for the plea that the petitioner is a police personal and he is not expected to take part in illegal activities. However, the record shows otherwise. He was arrested in possession of demand letter in the name of unlawful organization along with ammunitions. This Court is not inclined to release the accused on bail exercising power under Section 439 Cr.P.C.

[12] Accordingly, bail application is rejected. No cost. However, the petitioner may approach the learned Special Judge (NIA), Thoubal, Manipur for default bail, if advised so.

JUDGE

FR/NFR

joshua

KH.
JOSHUA
MARING

Digitally signed by
KH. JOSHUA
MARING
Date: 2023.04.11
16:08:59 +05'30'