

Serial No. 03
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 8 of 2023 with
CrI.M.C. No. 34 of 2023

Date of Decision: 03.04.2023

Smti. Rosmila Khongwir

Vs.

State of Meghalaya

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. Philemon Nongbri, Adv.

Mr. E. Lalsangluaia, Adv.

For the Respondent(s) :

Mrs. T. Yangi. B, AAG, with

Ms. R. Colney, GA.

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

JUDGMENT AND ORDER (ORAL)

1. Heard Mr. Philemon Nongbri, learned counsel for the petitioner who has submitted that this application for grant of bail under Section 439 Cr.P.C has come with the plea on behalf of the accused person, Shri. Pynnehskhem Rynngnga represented by the petitioner herein who is his wife.

2. According to the learned counsel for the petitioner, the factual background of the case is that on 02.03.2023 which was a date when the results for the Meghalaya Legislative Assembly 2023 election was

declared, a huge crowd has gathered at the office of the SDO at Sohra Sub-Division, East Khasi Hills District. In view of the volatile situation as could be expected in a gathering of this kind, an incident took place which led to a chaotic situation and violence where the crowd apparently being dissatisfied with the declaration of a particular result, had started pelting stones at the SDO Office as well as at the Court premises adjacent to such office.

3. Long short story, the ensuing violence has resulted in damages to public property and also the act of trespass, whereupon an FIR dated 03.03.2023 was lodged by the Judicial Magistrate First Class, Sohra Sub-Division.

4. Pursuant to the said FIR, the police has investigated into the matter and among others, the accused was also arrested. The FIR was registered as Sohra P.S. Case No. 4 (3) of 2023 under Section 147/148/353/447/427/34 IPC read with Section 3 of the Prevention of Damage to Public Property Act, 1984. It is submitted that the case is at the investigation stage.

5. At this juncture, the learned counsel for the petitioner has also submitted that the accused was part of the crowd and was arrested randomly. It is also prayed that bail may be granted to the accused to allow him to defend his case. Considering the fact that out of the array of

sections alleged against him, only two are non-bailable including the section under the Prevention of Damage to Public Property.

6. Mrs. T. Yangi. B, learned AAG along with Ms. R. Colney, learned GA appearing for the State respondent has strongly objected to the prayer made on the ground that the investigation has just started and it is too premature for consideration of bail at this juncture. Considering the fact that not only was damage to public property caused, trespass is also evident which led to an atmosphere of fear apparently in the mind and conduct of the Judicial Officer and staffs of the Sub-Divisional Court, for which the learned AAG submits that this issue has to be taken into account which will be revealed in course of the investigation.

7. This Court has given careful thought to the submissions made and is mindful of the fact that the accused husband of the petitioner was arrested on 14.03.2023. Bail is definitely a discretionary power to be exercised by the Court, albeit, on consideration of the attending factors and guidelines provided from time to time by the Apex Court as well as by the relevant statutes. The evidence collected by the I/O in this regard has also to be looked into in due course, however this Court is in agreement with the learned AAG that the stage of the case is too premature for grant of bail at this point of time as investigation is still at the preliminary stage. Consequently, this application is devoid of merits

and the same is hereby dismissed. However, the petitioner is given the liberty to take recourse as provided to him in accordance with law.

8. In view of the above, BA. No. 8 of 2023 along with Crl.M.C. No. 34 of 2023 stands disposed of. No costs.

Judge

Meghalaya
03.04.2023
"D. Nary, PS"

