

Serial No. 01 & 02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

AB. No. 8 of 2023 with
AB. No. 9 of 2023

Date of Decision: 04.05.2023

Shri. Damut Bang	Vs.	State of Meghalaya
Shri. Palmon Sari	Vs.	State of Meghalaya

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Mr. S. Deb, Adv. Ms. S.G. Marpna, Adv.
For the Respondent(s)	:	Mrs. T. Yangi. B, AAG. with Mr. A.H. Kharwanlang, Addl. Sr. GA. Mr. J.N. Rynjah, GA.

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

COMMON JUDGMENT AND ORDER (ORAL)

1. Heard Mr. S. Deb, learned counsel appearing on behalf of the petitioners as well as Mrs. T. Yangi. B, learned AAG appearing on behalf of the State respondent.

2. The learned counsel for the petitioners/accused has submitted that the petitioners/accused are both implicated in the same case being Jowai P.S. Case No. 31 (03) of 2023 under Section 307/506/34 IPC.

3. This Court vide order dated 19.04.2023 on the prayer of the petitioners for grant of pre-arrest bail, had enlarged them on interim bail pending perusal of the case diary (C.D) to ascertain the stage of investigation carried out by the Investigating Officer (I/O).

4. Today, when the matter was called up, the learned AAG has produced the C.D and has also led this Court to the contents thereof, particularly to a noting by the I/O on 20.04.2023, indicating to the extent that after the order of this Court, the I/O had made an attempt to look for the said accused persons, perhaps to record their statements or otherwise, but even after several attempts were made, the said accused persons/petitioners were not to be found in their residence, which has given an impression to the I/O that they are evading or rather not cooperating with the investigation.

5. It also transpired from the contents of the C.D that the facts of the case was not as projected by the petitioners in their earlier submission before this Court, but in fact from the account of the eye witness, particularly the owner of the said liquor shop, what can be understood is that the petitioners were already in the liquor shop when they called the victim from the mobile phone, and when he came to meet them, there was an altercation, after which the victim was ushered outside by the owner of the said liquor shop, but soon after, he was followed by one of the

petitioner who stabbed him several times in his stomach, to the extent that the victim has to be hospitalized and was in the ICU ward for about a month or so.

6. Prima facie, it appears that the case involved a very serious offence and subject to further evidence, perhaps a case under Section 307 IPC may be made out. However, from the conduct of the petitioners, it appears that they have failed to cooperate with the investigation and as such, the liberty given by this Court was flaunted. Accordingly, this Court finds no reason to continue with the interim protection given to the petitioners. In view thereof, the connected applications are dismissed as devoid of merits.

7. The interim bail granted is hereby discharged. The I/O is directed to take necessary steps in this regard.

8. With the above, AB. No. 8 and 9 of 2023 stands disposed of by this common judgment and order.

9. No order as to costs.

Judge

Meghalaya
04.05.2023
"D. Nary, PS"