Serial No. 03
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA No. 32 of 2023

Date of Decision: 05.09.2023

Shri. Anil Arya Vs. State of Meghalaya

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Dey, Adv.

For the Respondent(s) : Mr. N.D. Chullai, AAG with
Ms. R. Colney, GA

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

ii) Whether approved for publication in press: Yes/No

JUDGMENT & ORDER (ORAL)

1. Heard Mr. S. Dey, learned counsel for the petitioner.

2. Brief facts of the case according to the petitioner is that an FIR dated 17.12.2022 was lodged before the Officer-in-Charge, Shallang Police Station by the ADC-Cum-SDO (Civil), Mawshynrut Civil Sub-Division indicating therein about the ongoing process of shutting down of 57 illegal coke plants

within West Khasi Hills District for which steps were duly taken by the authorities concerned to find out the owners of such coke plants and to proceed against such owners in accordance with law.

3. Accordingly, Shallang P.S. Case No. 39(12) 2022 under Sections 188/34/379/120B IPC read with Section 3(1)/21(1) MMDR Act, read with Section 15 Environment (Protection) Act and Section 3 Explosive Substances Act was registered.

4. In course of investigation being launched, the Investigating Officer had summoned the accused person herein to appear before him pursuant to notice dated 29.05.2023 issued under Section 41-A of the Cr.P.C.

5. In such course, the I/O has thought it fit to arrest the accused person therein and to remand him to judicial custody. The petitioner has then approached this Court with this application for grant of bail to the accused person.

6. Without going into the merits of the petition, at this juncture, Mr. N.D. Chullai, learned AAG has fairly submitted that this matter being identical with another matter which was taken up by this Court has been dealt with adequately in AB No. 49 of 2023 wherein vide order dated 01.09.2023, this Court in such case has granted pre-arrest bail to the petitioner therein in connection with the case registered as a result of the said FIR mentioned above.

7. The learned AAG has also apprised this Court that in a similar application for grant of bail made by a co-accused before the Hon'ble Supreme Court, the Hon'ble Supreme Court vide order dated 28.08.2023 has

allowed the prayer made for bail on the ground that the prosecution has found it unnecessary for the said accused person to be incarcerated in custody. Further submitting that the order passed by the Hon'ble Supreme Court will also be applicable herein, the learned AAG has submitted that there is no objection to the prayer made for grant of bail in this case. However, it is submitted that strict conditions may be imposed in case this Court is pleased to grant bail as prayed for.

8. This Court on perusal of the said order dated 28.08.2023 passed by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No(s). 9177/2023 and also this Court's order dated 01.09.2023 in AB. No. 49 of 2023 is convinced that the petitioner has made out a case for grant of bail.

9. Accordingly, the accused Shri. Ashish Arya is hereby 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 co-operate with the investigation and in this regard, shall furnish his mobile phone number wherewith, he shall or may be contacted at all time, if so required;

iii) That he shall not leave the jurisdiction of the State of Assam and Meghalaya except with prior permission of the Investigating Officer or the court concerned, if he has to go beyond such jurisdiction; and

iv) That he shall bind himself with a personal bond of ₹ 1,00,000/- (Rupees one lakh) only with one solvent surety of like amount

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to the satisfaction of the arresting authority or the court concerned.

10. Petition disposed of.

Judge

Meghalaya
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