

Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

AB. No. 49 of 2023

Date of Decision: 01.09.2023

Shri. Sumit Kumar Aggarwal Vs. State of Meghalaya & Anr.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Mr. N. Khera, Adv.
For the Respondent(s)	:	Mr. K. Khan, PP. with Mr. A.H. Kharwanlang, Addl. Sr. GA. Ms. A. Thungwa, GA.

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

ORDER (ORAL)

1. Heard Mr. N. Khera, learned counsel for the petitioner as well as Mr. K. Khan, learned Public Prosecutor for the State respondents.
2. The brief facts of the petitioner's case is that the petitioner is said to be a partner of M/s Yash Coke involved in Coke industry, for which the said partnership firm is said to be operating within the Shallang area of West Khasi Hills District. The petitioner was served with a notice dated 29.05.2023 under Section 41-A of the Code of Criminal Procedure, 1973 in

connection with Shallang P.S. Case No. 39 (12) of 2022 under Section 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.

3. Pursuant to the issuance of the said notice, the petitioner had joined investigation and was questioned by the Investigating Officer. However, in due course, coming to learn that some noticees of the said notice under Section 41-A connected to Shallang P.S. Case No. 39 (12) of 2022 on their appearance before the Investigating Officer, have subsequently been arrested, the petitioner, therefore, apprehends that he may be arrested in such connection. Hence, this application.

4. Before proceeding with the merits of the case, the learned counsel for the petitioner has submitted that a number of applicants also involved in connection with the said Shallang P.S. Case (supra) has approached the Hon'ble Supreme Court for grant of pre-arrest bail, to which the Hon'ble Supreme Court vide order dated 07.08.2023 in Special Leave Petition (Civil) No. 28879/2023 had directed the petitioners therein to approach the Full Bench of this Court who is seisin of the subject matter. Accordingly, the said petitioners on approaching this Court with relevant applications under Section 438 Cr.P.C, the Full Bench of this Court vide order dated

29.08.2023, has allowed such applications and prayer made, thereby granting pre-arrest bail to the petitioners therein. It is further submitted that the petitioner herein being similarly situated, applying the principle of parity, prayer is accordingly made for grant of pre-arrest bail.

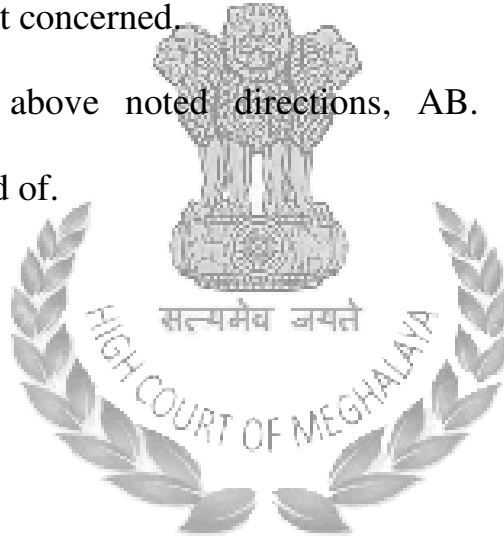
5. The learned Public Prosecutor appearing on behalf of the prosecution, has in all fairness submitted that since the facts and circumstances of this case are also the same subject matter which was dealt with by the Full Bench of this Court vide the said order dated 29.08.2023 in a series of applications for grant of pre-arrest bail, therefore, there is no objection if the prayer of the petitioner is allowed.

6. Accordingly, giving in line with the order passed by the Full Bench of this Court, the prayer of the petitioner herein is hereby allowed. In the event of his arrest in connection with the said Shallang P.S. Case No. 39 (12) of 2022, the petitioner is directed to be released on bail on the following conditions that:

- i) He shall not abscond or tamper with the evidence or witnesses;
- ii) He shall cooperate with the investigation and in this regard, shall furnish his mobile phone number wherewith, he shall or may be contacted at all times, if so required;

- iii) 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) He shall bind himself with a personal bond of ₹ 1,00,000/- (Rupees one lakh) only with one solvent surety of like amount to the satisfaction of the arresting authority or the court concerned.

7. With the above noted directions, AB. No. 49 of 2023 is accordingly disposed of.



Judge

Meghalaya
01.09.2023
"D. Nary, PS"