

Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

AB. No. 50 of 2023

Date of Decision: 12.09.2023

Shri. Sofiqul Marthong Vs. State of Meghalaya & Anr.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. P. Nongbri, Adv.
Mr. M.L. Nongpiur, 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 |

ORDER (ORAL)

1. Heard Mr. P. Nongbri, learned counsel for the petitioner who has submitted that the petitioner herein is deemed to be involved in connection with 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, wherein he was served with a notice dated 29.05.2023 under Section 41-A of the Code of Criminal Procedure, 1973 by the Investigating Officer and in

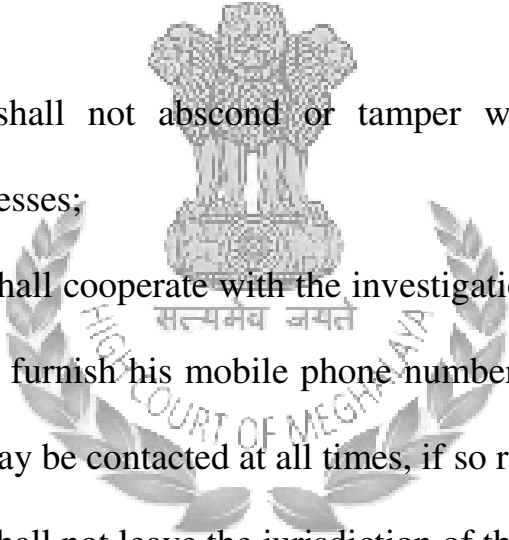
compliance thereto, he had appeared before the said Investigating Officer on 13.06.2023. However, in due course, the petitioner apprehends that the police might arrest him in connection with the said Shallang P.S. Case (supra) as was done in the case of other co-accused who were served with notices under Section 41-A and were eventually arrested. It is this apprehension of arrest that has compelled the petitioner to approach this Court with this instant application.

2. The learned counsel has also submitted that the subject matter herein was taken note of by the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 28879/2023, wherein the Hon'ble Supreme Court vide order dated 07.08.2023 had directed the petitioners therein to approach the Full Bench of this Court for prayer seeking grant of pre-arrest bail. Accordingly, the said petitioners on approaching this Court with relevant applications under Section 438 Cr.P.C, the Full Bench of this Court on the application so made, 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.

3. Mrs. T. Yangi. B, learned AAG appearing on behalf of the State

respondents has no objection to the prayer made on the ground that the case of the petitioner herein is covered by the relevant order of the Hon'ble Supreme Court, the Full Bench of this Court and also by a number of similar and identical orders made by this Court.

4. Accordingly, the prayer of the petitioner is hereby allowed. In the event of his arrest in connection with the said Shallang P.S. Case No. 39 (12) 2022, the petitioner is directed to be enlarged on bail on the following conditions that:

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- 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 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.

5. In view of the above, AB. No. 50 of 2023 is accordingly disposed of.

Judge

Meghalaya
12.09.2023
"D. Nary, PS"

