

Serial No. 05
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

AB. No. 55 of 2023

	Date of Decision: 06.11.2023	
Shri. Abdul Baten Khandar	Vs.	State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. K. Paul, Sr. Adv. with
Mr. B. Snaitang, Adv.

For the Respondent(s) : Mr. H. Kharmih, Addl. PP.
Mr. S. Sengupta, Addl. PP.

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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 (ORAL)

1. Heard Mr. K. Paul, learned senior counsel for the petitioner/accused who has submitted that an FIR has been lodged before the Officer-in-Charge, Hallidayganj Police Station on 01.09.2023. The informant therein had informed the police of the incident which allegedly occurred on 01.09.2023 at about 3:00 pm which involved his elder brother who was proceeding towards Hallidayganj and there near a hotel, he met the petitioner/accused person, and on demand of the money which is owed

to him, there was a quarrel and a scuffle which took place, resulting in the victim being assaulted by the petitioner/accused and others, for which he sustained grievous injuries. Hence, the FIR.

2. The police on receipt of the said FIR, had accordingly registered a case being Hallidayganj P.S. Case No. 07 (09) 2023 under Section 326/34 IPC and investigation was launched.

3. In course of investigation, it appears that the petitioner's name has surfaced as one of those who have assaulted the victim and as such, the petitioner/accused apprehends that he may be arrested in connection with the said case. On the ground of such apprehension, the petitioner/accused has accordingly approach this Court seeking grant of anticipatory bail in connection with the said Hallidayganj P.S. Case No. 07 (09) 2023.

4. The learned senior counsel has also submitted that a bare perusal of the contents of the FIR, would show that there is no ground for Section 326 IPC to be attracted and as such, no case would eventually be made out against the petitioner/accused. However, the other limb of submission made by the learned senior counsel is that the petitioner who hails from a respectable family, if arrested, his reputation would be tarnished and he would lose face in society. The petitioner/accused also

not having any criminal antecedent, therefore, there is no scope for him to tamper with the evidence or witnesses being a permanent resident of the area and there is also no scope for him to abscond. It is prayed that this Court may allow this application with any conditions to be imposed by this Court.

5. Mr. H. Kharmih, learned Addl. PP appearing on behalf of the State respondent has submitted that on being directed by this Court, copy of the case diary has been produced today. He also submits that upon this Court giving interim relief to the petitioner/accused, he has accordingly appeared before the Investigating Officer and his statement was duly recorded. It is also the opinion of the Investigating Officer that at this point of time, the petitioner/accused is not required to be arrested.

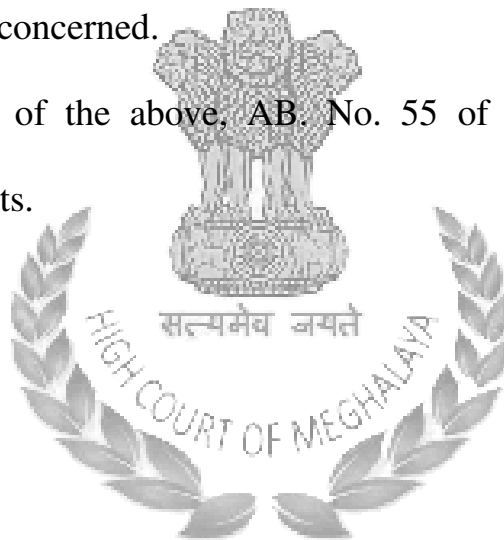
6. The learned Addl. PP has also pointed out that the medical report as regard the injuries found in the person of the victim has been filed before this Court, and on perusal of the medical report, it appears that there are three main areas of injuries sustained by the victim out of which, two are simple in nature and only one is grievous, that is, fracture of patella and displacement.

7. This Court, on consideration of the submission made by the learned Addl. PP, would show that the Investigating Officer has no

intention to arrest the accused person at this point of time, therefore, there is no cause for apprehension of arrest by the petitioner. Without proceeding further with this matter, this Court hereby dispose of this application on this note.

8. As submitted by the learned senior counsel for the petitioner/accused, it would be open for the petitioner to approach this Court, if there is any change of circumstances as far as the proceedings of the investigation is concerned.

9. In view of the above, AB. No. 55 of 2023 is accordingly disposed of. No costs.



Judge

Meghalaya
06.11.2023
"D. Nary, PS"