

Serial No. 01
Supplementary 1 List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn. No. 117 of 2023

Date of Decision: 03.11.2023

Shri. Bijay Thapa

Vs.

State of Meghalaya & Anr.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

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

For the Respondent(s) : Mr. N. Syngkon, GA.
Ms. S. Bhattacharjee, 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 |

JUDGMENT (ORAL)

1. Heard Mr. S. Panthi, learned counsel for the petitioner/accused who has submitted that this application is filed under Section 482 read with Section 439 Cr.P.C with a prayer for extension of the interim bail granted to the petitioner/accused Shri. Bijay Thapa to allow him to go for medical treatment.

2. The learned counsel has also submitted that in compliance with the said order dated 04.10.2023 passed in Crl.Petn. No. 110 of 2023, the

petitioner/accused had visited the North Eastern Indira Gandhi Regional Institute of Health and Medical Sciences (NEIGRIHMS) and after consultation with the concerned doctor, the doctor has accordingly drawn up a prescription with the relevant medical advice, copy of which is annexed as Annexure-3 at page 16 of this petition. The learned counsel has further pointed out that the doctor who has examined the petitioner/accused has advised that he is required to take certain medicines for a period of 2(two) months and more importantly, the petitioner/accused is advised to avoid exposure to cold, crowded areas and dust in order to prevent exhaustion of Bronchial Asthma and also advised not to do heavy work.

3. Stressing on the said medical advice given by the doctor, the learned counsel has submitted that the petitioner/accused may be allowed to continue on interim bail so as to ensure that his condition turn for the better. It is prayed that the interim bail granted by the said order dated 04.10.2023 be extended for a further period of 1(one) month from 05.11.2023.

4. Mr. N. Syngkon, learned GA appearing on behalf of the State respondent has submitted that the prayer of the petitioner/accused is not justified, inasmuch as, the same has been made in a routine fashion

without any basis or justification. Reference was also made to the earlier order passed by this Court in BA. No. 39 of 2023, wherein vide order dated 04.09.2023, this Court had allowed the prayer made therein and interim bail was granted to the petitioner/accused. On prayer made for extension of the said interim bail period, this Court vide the relevant order dated 04.10.2023 passed in Crl.Petn. No. 110 of 2023 has also allowed the same.

5. The learned GA has submitted that at this point of time, on perusal of the said medical report and the opinion given, the prayer of the petitioner/accused is not justified, inasmuch as, following the order dated 04.10.2023, he was never admitted into the hospital, but had visited the hospital (NEIGRIHMS) as an outpatient from time to time. It is therefore prayed that this petition may be dismissed as devoid of merit.

6. This Court has given due consideration to the submission made by the parties, has also perused the petition and the said medical advice at Annexure-3. A perusal of the medical advice would show that the only requirement for the petitioner/accused at this point of time is to continue with the treatment and to avoid exposure to cold, crowded areas, etc.

7. Needless to say, the nature of the advice would reflect that the condition of the petitioner/accused/patient is not as serious as it was made

out to be, and that he is not required to be hospitalized. Therefore, this Court is of the considered opinion that the prayer made for extension of the interim bail granted is not justified. This petition being devoid of merit, the same is rejected. However, as has been submitted, this Court would direct the prison authorities to ensure that the petitioner/accused is not exposed to cold or crowded areas or dust and, if the medication is required to be given, it should be done so accordingly. The family members of the petitioner/accused are at liberty to hand over the medicines prescribed by the doctor to the prison authorities. Further, the petitioner/accused is also directed to report to the District Prisons and Correctional Home, Nongpoh on 05.11.2023.

8. Let copy of this order be issued upon the Superintendent, District Prisons and Correctional Home, Nongpoh for compliance.

9. In view of the above, this petition is accordingly disposed of.

No costs.

Judge

Meghalaya
03.11.2023
"D. Nary, PS"