

KHOIROM
BIPINCHAN
DRA SINGH

Digitally signed by
KHOIROM
BIPINCHANDRA SINGH
Date: 2024.07.19
10:08:44 +05'30'

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

AB No. 10 of 2024

Thokchom Indraraj Singh, aged about 42 years, S/o
Thokchom Brajachand Singh, resident of Thangmeiband
Sinam Leikai, P.O. Lamphel, P.S. Imphal, Imphal West
District, Manipur.

... Petitioner

- Versus -

1. Officer-in-Charge, Imphal Police Station, Imphal West District, Manipur.
2. Ningthoujam Inao Singh aged about 53 yeas S/o (L) N. Shyamkeshwor Singh, a resident of Thangmeiband Sinam Leikai, P.O. & P.S. Imphal, Imphal West District, Manipur.

... Respondents

B E F O R E
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU

18.07.2024

[1] Heard Mr. L. Sevananda, learned counsel appearing for the petitioner and Mr. Y. Ashang, learned PP appearing for the respondents.

[2] The present petition has been filed under Section 438 of the Code of Criminal Procedure Code, 1973 with the following prayer:

- (i) To grant Ad-interim Anticipatory Bail until the calling of bail objection report with the Case Diary in connection with FIR No. 08(01) 2024 IPS U/s 307/506 IPC & 25 (1-B) A Act.
- (ii) To grant anticipatory bail in absolute in consequence of not finding material basis against the petitioner in connection with the above mentioned FIR case.
- (iii) To issue any other order(s) or direction(s) as deemed fit and proper under the facts and circumstances stated above in the interest of justice.

[3] In the meantime, the learned PP filed objection to the application filed by the petitioner. In the objection, it has been mentioned as follows:

"In the meantime, received the call of bail objection report of the undernoted accused person having Anticipatory Bail No. 10 of 2024 in the High Court of Manipur. The accused person also cooperated with the investigation of this present case and his detailed interrogation statement was recorded in c/w the case, however, he denied the charges brought against him in the case."

And also, the relevant portions of the parawise replies are extracted herein below:

"13. That, with reference to Para No. 2 of the Anticipatory Bail, it is to submit that criminal law does not recognize for giving leniency to degree or status of accused if prima facie case is made out.

14. That, as regards to Paras No. 3 to 9 of the Anticipatory Bail, it is humbly submitted that the deponent denies all the allegations/contentions made in the Anticipatory Bail Application which are conflicting with the facts explained in Paras No. 3 to 10 of this Affidavit.

15. That, with reference to Paras No. 10 to 16 of the Anticipatory Bail, it is humbly submitted that it does not make any difference whether the alleged commission of offence are almost all bailable offences except one non-bailable offence. It is further submits that when there is disputed facts arises in criminal case, the same is to be decided by the Trial Court and not by the High Court on bail matter as

it is well settled proposition of law that High Court is not suppose go for roving enquiry about the sufficiency on insufficiency of evidence nor to decide which Section(s) is / are to be incorporated in the FIR. The only areas to be considered by the Hon'ble Bail Court is (i) gravity and seriousness of the alleged offences, (ii) prima facie, (iii) the likelihood of abuse of bail order and (iv) public / societal interest."

[4] In view of the foregoing, the interim order dated 22.03.2024 passed by this Court is made absolute.

[5] Accordingly, the present petition is disposed of.

JUDGE

Bipin