

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

AB No. 18 of 2024

Md. Abdul Warish

... *Petitioner*

- *Versus* -

Officer-in-Charge, Irilbung PS & Anr.

... *Respondents*

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

O R D E R

05.12.2024

Heard Md. Ajmal Hussain, learned counsel appearing for the petitioner and Mr. Samarjit Hawaibam, learned senior counsel appearing for the respondents.

Both the learned counsel appearing for the parties submit that the present petition can be disposed of in terms of the submission made at Para No. 6 & 8 of the affidavit-in-opposition on behalf the respondent No. 1. The said paras are extracted hereunder:

"6. In reply, Ld. counsel for the petitioner submits that recovery u/s 27 will not be valid as per law as the place of occurrence is a public place and many persons must have been in the place of occurrence since the commission of the offence.

8. It is well settled that anticipatory bail / pre arrest bail should be granted in exceptional cases and not as a rule. The discretion to grant pre arrest bail exist mainly to prevent false implication in the case. Considering the materials on record of the present case, I do not find any such exceptional circumstances exist for grant of anticipatory bail. Further, considering that two victims both very young and one a minor are stated to have sustained grievous injuries in the incident in which two young boys were stated to have been assaulted by a large number of people including the present accused, I am of the opinion that making the interim bail absolute/ granting anticipatory bail is likely to interfere with smooth investigation of the case. Hence, prayer is rejected."

On perusal of the affidavit-in-opposition as well as the Para No. 6 & 8, I am satisfied that the present petition can be disposed of in terms of the submission made at Paras aforementioned.

Mr. Samarjit Hawaibam, learned senior counsel appearing for the State respondent submits that the interim order dated 14.06.2024 may be made absolute by putting condition in the order that the accused/petitioner has to co-operate with the I.O. of the case in the investigation and to appear before the I.O. of the case as and when required and if the petitioner violates the condition made herein. Liberty may be given to the I.O. of the case to approach this Court for vacation/cancellation of the bail order.

In the facts and circumstances, the interim order dated 14.06.2024 is made absolute with bail bond of Rs. 50,000/- (Rupees fifty thousand) with one surety of like amount to the satisfaction of the arresting authority with direction to the petitioner to co-operate with the I.O. of the case in the investigation and appear before the I.O. of the case as and when required and not to temper the evidences of the case. Liberty is granted to the I.O. of the case to approach this Court for vacation/cancellation of the bail order, if the petitioner violates any of the condition given above.

Accordingly, the present petition is disposed of.

JUDGE

Bipin