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

AB No. 21 of 2024

Yumnam Anand

...Petitioner/s

- Versus -

Officer in Charge Lamphel P.S & Anr

...Respondent/s

B E F O R E

HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU

08.08.2024

[1] Heard Mr. Th. Jugindro, learned counsel appearing for the petitioner.

[2] Issue notice.

[3] Mr. Y. Ashang, learned PP accepts notice on behalf of the respondent nos. 1 & 2.

[4] The present application has been filed by the petitioner under Sections 438 of Cr.P.C, 1973 r/w section 482 for releasing the accused/petitioner on bail in the event of his arrest in connection with FIR No. 184(3)2024 of LPS U/s 400-IPC, 25 (1-B) A Act & 5 Expl. Sub Act with the following prayers:

"(i) to pass an order for releasing the petitioner on bail in the event of his arrest in connection with FIR No. 184(3)2024 of LPS U/s 400-IPC, 25 (1-B) A Act & 5 Expl. Sub Act.

(ii) to give a direction to the respondent authority to protect the petitioner from the respondent authority in the event of his

arrest in connection with FIR No. 184(3)2024 of LPS U/s 400-IPC, 25 (1-B) A Act & 5 Expl. Sub Act."

[5] The petitioner has filed the present petition under the following grounds that:

"(i) the petitioner is innocent and he has nothing to do with the allegation alleged offences in connection with said FIR No.184 (3) 2024 of LPS U/s 400-IPC, 25 (1-B) A & 5 Expl. Sub Act.

(ii) the petitioner is never involved in any criminal case in his life and he is very much innocent person having a life of clean antecedents before the early part of the life and till now.

(iii) the Ld. Session Judge, Imphal West rejected Anticipatory Bail of the petitioner without considering the nature and gravity of the accusation against the petitioner which is a very relevant factor to be considered by the Court while dealing with an application under section 438 Cr.P.C.

(iv) there is no prima facie material and any reliable evidence was available for the allegation of the offence against the petitioner in said FIR No. 184 (3) 2024 of LPS U/s 400-IPC, 25 (1-B) A & 5 Expl.Sub Act.

(v) without finding the ingredients of the offences u/s 400-IPC, 25 (1-B) A & 5 Expl.Sub Act, the Ld. Session Judge, Imphal West rejected the Anticipatory Bail of the petitioner.

(vi) the particular FIR No. 184 (3) 2024 of LPS U/s 400-IPC, 25 (1-B) A & 5 Expl. Sub Act was lodged by one Yensenbam Shyamkanhai Meitei (ASI of CDO -IW) aged about 36 years, S/O Y. Tolapishak Meitei of Langthabal Mantrikhong Awang Leikal, Imphal West District, Manipur on dated 31/03/2024 against only 2 (two) accused person namely Moirangthem Lanchenba Meitei and one minor children (CCL/juvenile) for the offence of possessing explosive substances, belonging to a gang of dacoits by using fire arms. The particular FIR is for the offence of extortions, kidnapping, prejudicial activities under the leadership of one person namely George @ Lalloiba of SALAILEN MAPARI KDF organisation.

(vii) the petitioner is not an active member of SALAILEN MAPARI KDF and he never joined the said organisation. Even did not know one chairman namely George @ Lalloiba of SALAILEN MAPARI KDF. The petitioner never carries out extortion activity related to the monetary from the drug smugglers etc. The two arrested persons did not say anything against the petitioner that he had involved in said crime and nothing to say the petitioner was associates with the said organisation.

(viii) the petitioner is neither a party to which a complainant made in said FIR No.184 (3) 2024 of LPS U/s 400-IPC, 25 (1-B) A & 5 Expl. Sub Act. Infact, the prosecution to establish the petitioner is a member of the said organisation or he is associates with the said organisation of SALAIEN MAPARI KDF and to establish the holding an important post of the said organisation. However, the informant as well as present I.O. of the case has miserably failed to establish that the petitioner is a member of the said organisation or he is associates with the said organisation of SALAIEN MAPARI KDF and failed to establish that the petitioner is holding an important post of the said organisation.

(ix) this particular FIR case, any incriminating article of letter heads, organisation chart to show that the petitioner work with said organisation by holding an important post of the said organisation were not found/recovered from the petitioner. There is no single iota of evidence that the petitioner was associates with the said organisation."

[6] Heard both the learned counsel for the parties. On perusal of records, relevant sections in the FIR are section 400-IPC, section 25 (1-B) A & 5 Expl. Sub Act. In the FIR only 2(two) names out of 14 involved in the commission of crime, as per learned counsel for the petitioner both were arrested and released on bail after judicial remand but the learned counsel for the petitioner failed to annex the bail order for perusal.

[7] On further perusal of the records it is found that the seized article are in huge number and the same are reproduced herein below;

- "i. One .32 pistol marked as "32. PISTOL" along with one magazine.*
- ii. One 9mm pistol marked as "IMN Company 131115" along with one magazine loaded with 4 (four) nos. of 9mm ammunition.*
- iii. One SBBL gun marked as "Stallion PRO PX-701-AS" mounted with one telescope.*
- iv. One Chinese hand grenade.*
- v. One Redmi mobile handset without SIM card.*
- vi. One ASUS mobile handset model no. ASUS_ X00TD along with two Jio SIM cards bearing nos. (i) 89918650400114118252 and (ii) 89918650400133000168.*
- vii. One itel mobile handset model no. it2171 along with one Airtel SIM card bearing no. 0222 ID 8991160990018019187U.*

- viii. Three nos. of BAOFENG handheld wireless sets along with two chargers.*
- ix. Two nos. of UV-10R handheld wireless sets.*
- x. One round seal of SALAILEN MAPARI KDF.*
- xi. One blue flag of SALAILEN MAPARI KDF.*
- xii. One camouflage jacket.*
- xiii. One BP black vest.*
- xiv. One camouflage cap.*
- xv. One camouflage full shirt.*
- xvi. One camouflage long pant.*
- xvii. Eight nos. of letter heads of SALAILEN MAPARI KANGLEIPAK DEFENCE FORCE signed by Chairman H. Lalloiba and President O. Meetei.*
- xviii. Eight nos. of letter heads of SALAILEN MAPARI KANGLEIPAK DEFENCE FORCE signed by President O. Meetei."*

[8] The learned counsel for the petitioner submits that the present petitioner filed an Anticipatory bail being Cril. Misc (AB) Case No. 24 of 2024 before the Id. Sessions Judge, Imphal West. In the initial stage, the Ld. Sessions Judge, Imphal West allowed the petitioner to go on interim bail. However, after submission of the bail objection and after hearing both the parties, the Ld. Sessions Judge, Imphal West rejected/cancelled the Ad-interim bail order vide order dated 06.07.2024.

Relevant portion of the order dated 06.07.2024 passed in Cril. Misc (AB) Case No. 24 of 2024 by the Ld. Sessions Judge, Imphal West is reproduced here in below;

"5. Shri A. Nilachandra, Ld. P.P. opposed the application. He submitted that investigation so far revealed that the petitioner is the General Secretary of the outfit Salailen Mapari (KDF). It was also submitted that the disclosure statements and material collected indicate that the said organisation is involved in extortion activities. CDR and SDR show the close connection of petitioner with other members of the organization.

.....

9. The existence of an organization which posses arms and recruits members make the case much more than an ordinary one. The petitioner is allegedly an important functionary of the organization. Investigation into full extent of the activities of the organization and its aims and objectives requires the custodial interrogation of its key members. Considering the petitioner's

position in the organisation, the possibility of petitioner hampering investigation cannot be ruled out if he is granted anticipatory bail."

[9] It is admitted position of fact that the relevant section put up in the FIR are of serious one and on further perusal of the facts of the case, the police needs thorough investigation of the case. One of the already arrested accused, in his statement submits that in commission of the crime there were more than 10 persons. The Ld. PP submits before the Ld. Sessions Judge, Imphal West that the present petitioner is the General Secretary of the outfit Salailen Mapari (KDF).

[10] Considering the facts and circumstances, this Court is of the view that interference of the said order dated 06.07.2024 passed in Cril. Misc (AB) Case No. 24 of 2024 by the Ld. Sessions Judge, Imphal West is not call for.

[11] As the investigation of the case is at the initial stage and considering the seriousness of the facts made in the case, the present application filed by the petitioner is rejected.

[12] Accordingly, the present anticipatory bail application is rejected and disposed of.

JUDGE

Lucy