

KHOIROM
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IN THE HIGH COURT OF MANIPUR
AT IMPHAL
AB No. 26 of 2024

Mrs. R.V. Soreiphy, aged about 38 years, W/o Md.
Shabuddin Yumkhaibam of Khergao Makha Leikai, P.O.
& P.S. Porompat, Imphal East District, Manipur.

... Appellant

- Versus -

1. O.C. Women Police Station, Ukhrul – 795142,
Ukhrul District, Manipur.
2. Mrs. K. Primrose, aged about 46 years, W/o N.K.
Ninghor of Tungrei Village, P.O. & P.S.
Kangpokpi District, Manipur – 795120.

... Respondents

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

O R D E R
(Oral)

12.09.2024

[1] Heard Mr. M. Nabakumar, 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(i) of
Cr.P.C. corresponding to new Section 482 BNSS, 2023 coupled with ad-
interim re-arrest bail during the pendency of the application with the
following prayer:

- (i) To grant ad-interim pre-arrest bail during the pendency of this case with reference to FIR No. 2(5) 2024 WPS Ukhurul U/S 380 IPC.
- (ii) To make the pre-arrest bail absolute after hearing both parties.
- (iii) To pass any order as the Hon'ble High Court deems fit.

[3] The learned PP appearing for the respondents handed up bail objection report of the W/SI of WPS/Ukhurul [I.O. of the case] dated 11.09.2024 before this Court.

[4] On perusal of the materials placed before this Court particularly Annexures – A/4 and A/11 annexed in the petition, the present petitioner filed Anticipatory Bail before the Ld. Sessions Judge, Ukhurul twice. In both cases, the Ld. Sessions Judge, Ukhurul granted interim relief. However, after getting the bail objection report of the I.O. of the case, the Ld. Sessions Judge rejected both applications for not co-operating with the case.

[5] In the order dated 29.04.2024 passed in the first bail application i.e. CRIL. MISC. (ANTICIPATORY BAIL) CASE No. 1 of 2024, the Ld. Sessions Judge, Ukhurul rejected the bail application (**Annexure – A/4**). The operative portion of the said order is extracted as follows:

"As the petitioner is not co-operating for more than 3 weeks, which is one of the conditions, the interim order dated 03.04.2024 is hereby set aside."

Again, the Ld. Sessions Judge, Ukhul, after granting the interim relief to the petitioner and final hearing of the petition i.e. the second application being CRIL. MISC.(ANTICIPATORY BAIL) No. 2 of 2024 was rejected vide order dated 15.06.2024 (**Annexure – A/11**). The operative portion of the said order is extracted herein below:

"9. It is also pertinent to note that the present accused/petitioner has not complied with the conditions laid down in the ad-interim anticipatory bail order dated 03.06.2024. With regard to the contention of the accused/petitioner that there is risk to her life in appearing before the IO of the case in Ukhul, no satisfactory reasons or grounds have been presented before this Court to substantiate her appearance. The mere submission that her life is at risk in visiting Ukhul does not hold ground for entertaining her prayer. Further, careful examination of the bail objection report leads me to opine that there is prima facie evidence against the present Accused/Petitioner, as alleged in the FIR Case No. 02(05)2024 WPS/UKL, u/s 380 IPC. Thus, for the reasons noted above, the Ad-Interim Anticipatory Bail order dated 03/06/2024 granted by this Court stands cancelled and present Cril. Misc.(AB) case is hereby rejected."

[6] During the course of hearing, the learned counsel appearing for the petitioner failed to convince this Court the reason for not co-operating with the investigating authority by the petitioner and for non-compliance of the conditions laid down in the Interim Anticipatory Bail order of the Ld. Sessions Judge.

[7] After taking due consideration of the facts and circumstances of the case as discussed above, the present application of the petitioner is dismissed and disposed of.

JUDGE