

Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

AB. No. 3 of 2024

Date of Order: 20.03.2024

Shri. Nur Alom Ali, Son of Shri.
Kadem Ali, resident of Village-
Shidakandi, P.O. New Bhaitbari,
P.S. Rajabala, District West Garo
Hills, Meghalaya

::: Petitioner

-Vs-

State of Meghalaya, Represented
by the Commissioner & Secretary,
Home Police Department,
Government of Meghalaya.

::: Respondent

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

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

For the Respondent(s) : Mr. N. Syngkon, 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 |

ORAL:

1. Heard Mr. S.K. Hassan, learned counsel for the petitioner.

2. Also heard Mr. N. Syngkon, learned GA for the State respondent.

3. An FIR dated 21.10.2023 was lodged before the Officer-in-Charge, Rajabala P.S, Rajabala, West Garo Hills, Meghalaya, wherein the informant therein had alleged that his son aged about 19 years, while on his way to his relative's resident at Kandergoan, AMPT Road, five persons attacked him with criminal intention and stabbed him with a knife causing grievous injuries on his person. The assailants then fled away from the spot.

4. On receipt of such FIR, the police have registered a case being Rajabala P.S. Case No. 14 (10) 2023 under Sections 324/307/34 IPC and investigation was launched.

5. The petitioner herein later came to know that he was implicated in the said case, for which the police had come looking for him. Accordingly, being apprehensive of an imminent arrest, he had approached the Sessions Court at Tura, West Garo Hills District twice, praying for grant of pre-arrest bail which was rejected.

6. This is the third bail application for grant of pre-arrest bail filed before this Court. On a query made by this Court, the learned counsel for

the petitioner has submitted that the earlier bail application was rejected by the learned Court of Sessions on the ground that the alleged victim was still under treatment and perhaps could not give his statement before the police. It is also the submission of the learned counsel that the petitioner herein is a young person who is working as a casual worker on temporary basis at Bhaitbari, Community Health Centre (CHC), West Garo Hills. He has no criminal antecedents and, if arrested, his reputation and future would be jeopardized. It is therefore prayed that this application may be allowed, and in the event of his arrest, if enlarged on bail, he will abide by any conditions as deemed fit and proper to be imposed by this Court.

7. The learned GA appearing for the State respondent, has opposed this application on the ground that the offence involved is serious and prima facie, it appears that the petitioner is involved in such incident.

8. This Court, while noting the concern of the parties as far as their respective case is concerned, would observe that the case in question is under investigation and nothing on record is available to show that charge sheet has been filed.

9. Be that as it may, it is reiterated that as far as bail application is concerned, notwithstanding the particular facts and circumstances of the

case, it is always the endeavor of the Court or the system for that matter to ensure that the accused shall not abscond and that he or she shall cooperate with the investigation and made himself or herself available as and when required. To this extent, if the petitioner can bind himself under such condition, this Court, at this juncture, would allow the prayer made. Consequently, the prayer of the petitioner is hereby allowed.

10. In the event of his arrest, the petitioner is directed to be released on bail on the following conditions that:

- i) He shall not abscond or tamper with the evidence and witnesses;
- ii) He shall not leave the jurisdiction of the State of Meghalaya without due prior permission from the Investigating Officer or the court concerned;
- iii) He shall appear before the Investigating Officer as and when required;
- iv) He shall personally bind himself on a bond of ₹ 30,000/- (Rupees thirty thousand) only with one surety of like amount to the satisfaction of the Investigating Officer.

11. In view of the above, this application is accordingly disposed

of. No costs.

Judge

Meghalaya
20.03.2024
"D. Nary, PS"