

Serial No. 02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

AB. No. 5 of 2024

Date of Order: 01.05.2024

Shri. Nobilstone M. Marak,
S/o (L) Dingjin D. Sangma
Resident of Tochapara,
P.S & P.O Salmanpara,
South West Garo Hills District,
Meghalaya.

::: Petitioner

-Vs-

State of Meghalaya
Represented by the Public Prosecotor

::: Respondent

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

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

For the Respondent(s) : Mr. K. Khan, PP. with
Mr. S. Sengupta, Addl. PP.
Mr. A.H. Kharwanlang, Addl. Sr. GA.
Mr. J.N. Rynjah, GA.

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. Deb, learned counsel for the petitioner, who has

submitted that the petitioner on the strength of this Court's order dated 22.04.2024, wherein on being allowed to go on interim bail and on being directed to appear before the Investigating Officer, has accordingly reported before the Investigating Officer and his statement has been duly recorded. The petitioner has therefore cooperated with the investigation and having no criminal antecedents with his reputation sought to be kept intact, he prays before this Court for the said ad-interim bail to be made absolute.

2. Mr. K. Khan, learned PP appearing on behalf of the State respondent has also agreed that the report of the Investigating Officer would show that the petitioner has indeed cooperated with the investigation, and since the investigation into the case is still in progress, though the nature of the offence alleged are serious, it would be prudent to allow the investigation to be completed. However, taking into account the background of the case that is, the facts and circumstances wherein the alleged offence was committed as a result of a scuffle between two rival groups in course of electioneering in the ensuing general election, therefore, the motive as far as pre-meditation or otherwise, may not be present, prima facie. The learned PP has therefore left it to the discretion of this Court to pass necessary orders in this regard.

3. This Court, on consideration of the submission made, and on perusal of the copy of the case diary as well as the status report filed by the Investigating Officer, it is seen that the incident wherein the petitioner is said to be involved has taken place on 16.03.2024 at Kathalbari Gandhipara junction in the South West Garo Hills District. The allegation is that the petitioner along with others have confronted the occupants of one vehicle being Mahindra Bolero (white colour) when the driver of the said vehicle had gone out of the vehicle and in the process, had also set fire to the vehicle with the intention to kill the occupant who is the complainant who had filed the FIR before the In-Charge, Garodoba O.G.C, South West Garo Hills, Meghalaya. However, it is the submission of the learned counsel for the petitioner that the petitioner was not at all involved in the alleged offence or incident since he was sitting inside another vehicle which was also present at the scene of the incident.

4. It is a matter of evidence as to whether the petitioner was indeed involved in the said incident and since there is no identification of the petitioner as far as his presence at the scene is concerned, it would be up to the Investigating Officer to find sufficient evidence in this regard. However, as far as the prayer of the petitioner is concerned, at this point of time, the

Court is inclined to allow the prayer made, taking into account the facts and circumstances of the case. The interim bail granted is hereby made absolute.

5. In the event of his arrest, the petitioner Shri. Nobilstone M. Marak 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 ₹ 50,000/- (Rupees fifty thousand) only with one surety of like amount to the satisfaction of the Investigating Officer.

6. In view of the above, this application is accordingly disposed of.
No costs.

Judge

Meghalaya
01.05.2024
"D. Nary, PS"