



Serial No. 04
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

AB. No. 13 of 2024

Date of Decision 06.11.2024

Smti. Thota Mangatayaru,
Wife of Muralikrishna Thota,
Resident of Rajgari Street,
Prathipadu, East Godaari,
Andhra Pradesh 533434,
Presently residing at Staff
Quarters of District Prison and
Correctional Home, Jail Road,
Shillong, East Khasi Hills District,
Meghalaya.

..... **Petitioner**

-Vs-

1. The State of Meghalaya,
Represented through Secretary
And Commissioner,
Home Police Department,
Government of Meghalaya,
Meghalaya.
2. The State of Maharashtra
Represented through Secretary
And Commissioner,
Home Police Department,
Shahid Bhagatsingh Marg, Colaba,
Mumbai, Maharashtra,
Pincode – 400001.



3. The Superintendent of Police,
Mumbai District,
DN Road, Crawford Market,
Mumbai, Maharashtra,
Pincode – 400001.
4. The Investigation Officer,
Kanjurmarg Police Station,
Mumbai,
District, Mumbai City,
Pincode – 400042.

..... Respondents

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Mr. S. Thapa, Adv. Mr. B. Snaitang, Adv.
For the Respondent(s)	:	Mr. N. Syngkon, GA. Mr. J.N. Rynjah, GA. for R 1.

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| i) | Whether approved for reporting in
Law journals etc.: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |

JUDGMENT (ORAL)

1. Heard Mr. S. Thapa, learned counsel for the petitioner, who has submitted that an FIR has been lodged before Kanjurmarg Police



Station, Brihan Mumbai City in the State of Maharashtra. According to the learned counsel, the FIR was lodged in connection with an alleged case of child trafficking, wherein the NGO namely, Green Force Trust is said to be involved. The petitioner who is working as a Ministerial staff in the said NGO being apprehensive of arrest, and also being a present resident of the State of Meghalaya residing with her daughter at Shillong, has accordingly approached this Court with this instant application for grant of transit bail to allow her to approach the jurisdictional court for regular bail.

2. Mr. N. Syngkon, learned GA appearing on behalf of the State respondent No. 1 has not made any strong opposition to the prayer made on the ground that the State of Meghalaya is not at all involved in the case and is not in the know of the facts and circumstances of the matter, except from what the petitioner has indicated hereinabove. Accordingly, the learned GA submits that the prayer made will not be objected except for the fact that this Court may be pleased to specify specific time period for the transit bail.



3. This Court on consideration of the submission made by the learned counsel for the respective parties is made aware that the principal respondents, that is, respondent Nos. 2, 3 & 4 being the parties concerned, who are aware of the facts and circumstances and the progress of investigation in the matter have not made their appearance before this Court inspite of notice being duly affected upon the respondent Nos. 3 & 4. However, as a general proposition of law, whenever an application for grant of anticipatory bail is being taken up, the Court would firstly look into the nature and gravity of the complaint made and also as to whether there is any apprehension of arrest by the petitioner/accused.

4. No doubt, as indicated by the learned counsel for the petitioner, the case is serious in nature, however, the role of the petitioner could not yet be ascertained. Be that as it may, the fact that this Court is empowered to grant transit bail, more so as has been elaborately discussed, observed and held by the Apex Court in the case of *Priya Indoria v. State of Karnataka & Ors reported in (2024) 4 SCC*



749, wherein at para 93, 93.1 and 93.2, the following has been observed as under:

“93. In view of what we have discussed above, we are of the view that considering the constitutional imperative of protecting a citizen’s right to life, personal liberty and dignity, the High Court or the Court of Session could grant limited anticipatory bail in the form of an interim protection under Section 438 of CrPC in the interest of justice with respect to an FIR registered outside the territorial jurisdiction of the said court, and subject to the following conditions:

93.1. Prior to passing an order of limited anticipatory bail, the investigating officer and Public Prosecutor who are seized of the FIR shall be issued notice on the first date of the hearing, though the court in an appropriate case would have the discretion to grant interim anticipatory bail.

93.2. The order of grant of limited anticipatory bail must record reasons as to why the applicant apprehends an inter-State arrest and the impact of such grant of limited anticipatory bail or interim protection, as the case may be, on the status of the investigation.”

5. Accordingly, on an overall consideration of the case of the parties, the prayer made is accordingly allowed.

6. The petitioner is granted interim bail for a period of 30(thirty) days from the date of this order to allow her to appear before the competent court of jurisdiction in the State of Maharashtra.



7. This application is accordingly disposed of as indicated hereinabove.

8. Let copy of this order be issued upon the respondent Nos. 3 & 4 respectively for information.

Judge

