



Serial No. 01-14
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 54 of 2024 with
BA. No. 55 of 2024
BA. No. 56 of 2024
BA. No. 57 of 2024
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BA. No. 66 of 2024
BA. No. 67 of 2024
BA. No. 68 of 2024

Date of Decision: 07.11.2024

1. Smti. Sadiya Akthar,
D/o Faruk Gazi
R/o Patawakhali
P.S: Bawol
Bangladesh.

Presently lodged at District Prison and
Correctional Home, Jowai.

2. Shri. Solayman Gazi,
S/o Faruk Ghazi,
R/o Vill: Bakultala
P.S: Shoronkhola
Dist: Bagirhat, Bangladesh.



Presently lodged at District Prison and
Correctional Home, Jowai.

3. Md. Habib,
S/o (L) Asim Khan
R/o Vill: Satomaswal
P.S: Matbari
Dist: Barisal, Bangladesh.

Presently lodged at District Prison and
Correctional Home, Jowai.

4. Shri. Dilwar Khan @ Del war,
S/o Enuch Khan,
R/o Vill: 4 Nos. Ward
P.S: Sharankola
Dist: Bhaginad, Bangladesh.

Presently lodged at District Prison and
Correctional Home, Jowai.

5. Smti. Laboni Khatun,
D/o (L) Mufis Sheikh,
R/o Hulna Village
P.S: Lopchar
Bangladesh.

Presently lodged at District Prison and
Correctional Home, Jowai.

6. Shri. Luton Gazi @ Liton,
S/o Faruk Gazi,
R/o Vill: Bakultala
P.S: Shoronkola
Dist: Bhaginad, Bangladesh.
Presently lodged at District Prison and



Correctional Home, Jowai.

7. Md. Arsafat Kha @ Arajat,
S/o Habib Khan,
R/o Vill: Satomaswal
P.S: Matbari
Dist: Barisal, Bangladesh.

Presently lodged at District Prison and
Correctional Home, Jowai.

8. Shri. Shahalom Hussain @ Sholon,
S/o Kabir Hussain,
P.S: Vill: Jijanagar
P.S: Feni Model Thana
Dist: Ponispur, Bangladesh.

Presently lodged at District Prison and
Correctional Home, Jowai.

9. Md. Imran Khan,
S/o Habib Khan,
R/o Vill: Sotmasal
P.S: Matbari
Dist: Barisal, Bangladesh.

Presently lodged at District Prison and
Correctional Home, Jowai.

10. Smti. Munni Begum,
D/o Rasel Sheikh,
R/o Khulna Village
P.S: Baggerhat
Bangladesh.

Presently lodged at District Prison and
Correctional Home, Jowai.



11. Smti. Leki Begum @ Lakhi,
D/o Jannet Farazi,
R/o Sotomaswal Village
P.S: Matbari, Barisal District
Bangladesh.

Presently lodged at District Prison and
Correctional Home, Jowai.

12. Smti. Nasrin Begum,
D/o Md. Romis Sepal,
R/o Jijanagar Village
P.S: Jijanagar
Bangladesh.

Presently lodged at District Prison and
Correctional Home, Jowai.

13. Shri. Sohad Hussain @ Shahadt,
S/o Shri. Manik Shikdar,
R/o Vill: Borisal Tarabaria
P.S: Umwa
Dist: Kathalia, Bangladesh.

Presently lodged at District Prison and
Correctional Home, Jowai.

14. Md. Raja Gazi,
S/o Faruk Gazi,
R/o Vill: Bakultala
P.S: Sharankala
Dist: Bhaginad, Bangladesh.

Presently lodged at District Prison and
Correctional Home, Jowai.

..... **Petitioners**



-Vs-

1. State of Meghalaya,
Represented by Secretary,
Home (Political) Department,
Government of Meghalaya, Shillong.
2. The Officer-in-Charge,
Amlarem Police Station, Amlarem,
West Jaintia Hills District

:::: Respondents

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Mr. J. Shylla, Adv. Mr. M.L. Nongpiur, Adv.
For the Respondent(s)	:	Mr. K. Khan, PP. with Ms. A. Thungwa, GA.

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

COMMON JUDGMENT (ORAL)

1. These sets of bail applications filed under Section 483 (1) (b) Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023/Section 439 (1) (b) Cr.P.C read with Section 528 BNSS, 2023/Section 482 Cr.P.C. 1973



involving similar and identical facts and questions are proposed to be disposed of by this common judgment.

2. The issue emanates from an FIR lodged by the complainant/ S.I. D.B. Tyngkan of Amlarem, West Jaintia Hills District before the Officer-in-Charge, Dawki Police Station, West Jaintia Hills District on 16.06.2024. The contents of the FIR would reveal that the complainant, while on duty on 15.06.2024, had intercepted a Tourist vehicle proceeding from Dawki towards Pynursla, and on checking of the same, the occupants of the said vehicle were alleged to be Nationals of Bangladesh. Accordingly, the said occupants were arrested and confined to judicial custody. There are about 17(seventeen) of such occupants with 4(four) ladies who had 5(five) minor children with them.

3. The arrested persons, in due course, have preferred an application for grant of bail before the learned Judicial Magistrate First Class at Amlarem, West Jaintia Hills District and vide order dated 20.08.2024, the learned Judicial Magistrate First Class was pleased to allow the detainees to be enlarged on bail with imposition of certain



conditions. One of the conditions is for execution of a personal bond of ₹ 20,000/- (Rupees twenty thousand) with two sureties of like amount.

4. Mr. J. Shylla, learned counsel for the petitioners has submitted that it is because of such conditions that this Court is now approached with a prayer for modification of the same, inasmuch as, the petitioners are able to find only one person, who has consented to stand surety for them.

5. This Court has also acknowledged the submission of Mr. K. Khan, learned PP assisted by Ms. A. Thungwa, learned GA appearing on behalf of the State respondent, who has no objection to any order passed by this Court in this respect as far as the prayer of the petitioners are concerned.

6. Without going into the merits of the case, since the limited prayer of the petitioners is only for modifying of the bail conditions, which according to them is deemed to be stringent, this Court would under the facts and circumstances allow the prayer made. Accordingly, the order dated 20.08.2024 (supra) being kept intact, the only



modification to the same would be that instead of two sureties to be provided by the petitioners, only one surety will suffice, provided he or she satisfies the Trial Court below as to his solvency, etc.

7. The prayer of the learned counsel for the petitioners that one person is sufficient to stand surety for all the petitioners herein, is also found acceptable by this Court.

8. Accordingly, in view of the facts and circumstances which have been discussed, these bail applications are hereby disposed of with a direction that the petitioners shall be enlarged on bail on the modified conditions set forth hereinabove to the satisfaction of the learned Judicial Magistrate First Class at Amlarem, West Jaintia Hills District.

9. No order as to costs.

Judge