



Serial No.03
Supple List

HIGH COURT OF MEGHALAYA
AT SHILLONG

M.C (W.P.Crl.) No. 4 of 2024 in
W.P.Crl. No. 3 of 2022

Date of Order: 14.11.2024

No. 113990825 CT/ (GD)
Shri. Bhand Kanaahiya Ramhari
58th Batallion Border Security Force
S/o (L) Ramhari A. Bhand.
R/o Kusum Nagar, Bhoom, Bhoom
District Osmanabad, Maharashtra – 413504.

.... Applicant.

Vs.

1.The Union of India, Represented by the Secretary, Ministry of Home Affairs, Government of India, New Delhi.

2.The Director General, Border Security Force, (F.H.Q), 10- Central Office Complex, Lodhi Road, New Delhi -03.

3.The Additional Director General (EC) HQ SPL DG(EC) BSF, Kolkata.

4.The Commandant, 55th Batallion, Border Security Force, Dobasipara, Tura West Garo Hills District, Meghalaya.

5.The Deputy Inspector General, BSF, FTR, HQ, BSF, West Garo Hills District, Meghalaya.

....Respondents.



Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. K. Ch. Gautam, Adv.

For the Respondent(s) : Dr. N. Mozika, DSGI with
Ms. L. M. D. Marak, Adv.

ORAL:-

Heard Mr. K. Ch. Gautam, learned Counsel appearing for the petitioner also Dr. N. Mozika, learned DSGI assisted by Ms. L. M. D. Marak, learned Counsel appearing for the respondents.

This is an application seeking release of the petitioner on bail for a period of 20 (twenty) days to enable him to perform his father's last rites who has passed away on 11-11-2024. It appears that the present application is second such application as the applicant on earlier occasion had filed a M.C. (W.P.Crl.) No.1 of 2024 with a similar prayer for his release on temporary bail on the ground that his father (now deceased) was seriously ill. This Court vide order dated 21-10-2024 had granted the prayer made in the earlier application by allowing the applicant to go on bail for 10 (ten) days on certain conditions specified in the said order. It is submitted that the applicant has complied with the conditions stipulated in the earlier order and after completion of the period of bail, has returned back to the Tura Jail.

Dr. N. Mozika, learned DSGI appearing for the respondents also acknowledged the fact that on the earlier occasion, the applicant did not



violate any of the conditions and on such premises, realizing the urgency of the situation, did not raise any strong objection against the prayer made in this present application. However, the learned DSGI has submitted that the conditions which were stipulated on the earlier occasion may also be imposed if, in the event, the applicant is allowed to be released on temporary bail as prayed for in this application.

Considering the fact that the father of the petitioner has passed away and the petitioner being his son has to perform some rituals and that the petitioner had not violated any of the conditions of bail on his earlier release, it is deemed appropriate to allow the petitioner to be released on bail temporarily for a period of 20 (twenty) days on the following conditions:-

- i) The petitioner shall furnish a personal bond of Rs. 10,000/- (ten thousand rupees) with a surety of like amount to the satisfaction of the Registrar General of this High Court.
- ii) The petitioner shall not abscond or leave the jurisdiction of the country.
- iii) The petitioner shall give prior information of his travel plan either to the Deputy Inspector General, B.S.F, Tura or the Inspector General, Frontier Headquarter, B.S.F, Shillong.
- iv) The petitioner, on his return, shall report to the authority to whom he submitted his travel plan.
- v) The petitioner shall ensure his return to Tura Jail within 20 (twenty) days failing which this order shall stand automatically cancelled.



The connected Criminal Writ Petition would be taken up for hearing only after the petitioner's return to the Tura Jail.

The period of 20 (twenty) days shall be computed from the day on which the petitioner is released on bail from the Tura Jail.

This application stands allowed.

Judge

Meghalaya
14.11.2024
"Biswarup PS"