

Serial No. 02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

AB. No. 58 of 2023

Date of Order: 21.02.2024

Shri. Satyendra Kumar Jaiswal Vs. State of Meghalaya

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. N. Dubey, Adv.

For the Respondent(s) : Mr. H. Kharmih, Addl. PP.
Mr. S. Sengupta, Addl. PP.

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

ORAL:

1. Heard Mr. N. Dubey, learned counsel for the petitioner, who has submitted that in compliance with this Court's order dated 28.12.2023, the petitioner has accordingly approached the Investigating Officer, however, after going to Nongpoh Police Station twice and also once at Shillong, the Investigating Officer could not be met.

2. Per contra, Mr. H. Kharmih, learned Addl. PP appearing for the State respondent has submitted that a status report dated 20.02.2024

received from the Investigating Officer, would show that the Investigating Officer has confirmed that inspite of this Court's order dated 28.12.2023, wherein the petitioner was allowed to go on interim bail on condition that he appears before the said Investigating Officer, he has failed to appear even till date. Such act could therefore be deemed to be a violation of this Court's order. It is therefore prayed that the interim bail granted to the petitioner may not be made absolute.

3. This Court, on consideration of the submission made, would not go into the merits of the case, since the matter is under investigation. However, on going through the relevant provisions of law on which the alleged offence is said to have been made out, the offence, it appears are not so serious in nature, however, the process of investigation cannot be curtailed or stalled at this point of time. The Investigating Officer is allowed to continue with the investigation and to book all those who are alleged to have been part of the racket as pointed out in the FIR.

4. However, at this point of time, though, on query made by this Court, it could not be confirmed whether the petitioner has indeed made an attempt to meet the Investigating Officer or that the Investigating Officer had also made any attempt to inform the petitioner, directing him

to appear before him. At this point of time, suffice it to say that this Court is of the considered opinion that a case of apprehension of arrest has been made out, accordingly, in terms of the provision of Section 438 Cr.P.C, the prayer of the petitioner is allowed.

5. 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 India without prior permission of the Investigating Officer or the court concerned;
- iii) He shall appear before the Investigating Officer as and when required;
- iv) He shall bind himself on a personal bond of ₹ 1,00,000/- (Rupees one lakh) only with one surety of like amount to the satisfaction of the Investigating Officer.

6. The interim bail granted to the petitioner is hereby made absolute.

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

of. No costs.

Judge

Meghalaya
21.02.2024
"D. Nary, PS"