



Serial Nos. 13 & 15
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

AB No. 4 of 2025 with
AB No. 5 of 2025

Date of Decision: 03.03.2025

In AB No. 4 of 2025

Shri. Rahul Sharma,
S/o Shri. Gopal Krishna Gour
R/o. Rukmani Jewellers (P) Ltd
Shivshakti Paradise G-66-67,
Central Soine Rd. Sector-2
Central Spine, Vidhyadhar Nagar
Jaipur Rajasthan-302039

.....Petitioner

- Vs-

1. The State of Meghalaya
Represented by the Commissioner
Secretary, Home Department
Government of Meghalaya Shillong.
2. Smti. Suchona Ch. Sangma,
Prop. M/S Suchona Bonded Warehouse, 9th Mile Baridua.
Ri-Bhoi District, Meghalaya

.....Respondents

In AB No. 5 of 2025

Shri. Gopal Krishna Gour
S/o (L) Motilal Gour
R/o Rukmani Jewellers (P) Ltd
Shivshakti Paradise G-66-67,
Central Soine Rd. Sector-2



Central Spine, Vidhyadhar Nagar
Jaipur Rajasthan-302039

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Ri-Bhoi District, Meghalaya

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Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Dr. N. Mozika, Sr. Adv. with
Mr. Philemon Nongbri, Adv.
Ms. M. Myrchiang, Adv.
Mr. W.G.R. Mihsil, Adv.

For the Respondent(s) : Mrs. N.G. Shylla, Sr. GA with
Mr. J.N. Rynjah, GA (For R 1)
Ms. P. Bhattacharjee, Adv.
Mr. Z.A. Choudhary, Adv. (For R 2)

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

COMMON JUDGMENT & ORDER (ORAL)

1. Heard Dr. N. Mozika, learned Sr. counsel assisted by Mr.
Philemon Nongbri, learned counsel for the petitioners, who has submitted



that an FIR dated 09.07.2024 has been lodged against the petitioners before the Superintendent of Police, Ri-Bhoi District, Nongpoh, wherein the complainant therein had made a number of allegations against the petitioners, such allegations relating to the tenure when the petitioner (Shri. Gopal Krishna Gour) was in control of the management of the Bonded Warehouse of the complainant, and in course of such management, he has caused evasion of taxes, fraud and forgery in his personal capacity as well as through his son, the other petitioner herein. The vehicle belonging to the complainant which was utilized by him (Shri. Gopal Krishna Gour) during the relevant period was also missing and the same has not been handed over to the complainant till date. Accordingly, on such complaint being made, the FIR was registered as Khanapara P.S. Case No. 25 (07) 2024 under Section 381/408/120B/417/418/420/34 IPC.

2. As far as this matter is concerned, the learned Sr. counsel has submitted that this Court had granted interim bail to the petitioners and in the intervening period, Shri. Gopal Krishna Gour had approached the Investigating Officer (I/O) at the said Khanapara Police Station, but on 16.02.2025, when he went to the said Police Station, instead of his statement being recorded, he was actually detained in connection with some other cases which was registered at the Tura Police Station, and was



subsequently taken into custody and sent to Tura and from there, was again forwarded to Ampati, South West Garo Hills in connection with yet another case where he was eventually arrested. However, as far as the case at Ampati is concerned, on an application made, Shri. Gopal Krishna Gour was granted bail the next day.

3. As far as this case is concerned, the learned Sr. counsel has submitted that the petitioners may be allowed to be enlarged on anticipatory bail with any conditions to be imposed, even to the extent of furnishing of bond, though the same is not required in law at this point of time.

4. Mrs. N.G. Shylla, learned Sr. GA assisted by Mr. J.N. Rynjah, learned GA for the State respondent No. 1, has vehemently opposed the prayer made in this petition, and has referred to the said FIR dated 09.07.2024 to impress upon this Court that the allegations made therein are very serious in nature. Again, such allegations being that of fraud, cheating, forgery and theft, to name a few. The learned Sr. GA has also referred to the comprehensive report dated 23.02.2025 filed by the Sr. Superintendent of Police, Ri-Bhoi District, Nongpoh, wherein a detailed report has been filed, giving the gist of the case of the prosecution, the conduct of the petitioners, particularly their conspicuous absence in course of investigation to the extent that the police had to go to their known place of



residence at Jaipur in the State of Rajasthan to apprehend them, but to no avail, since they could not be found at the said place. This, according to the learned Sr. GA, would reflect the bonafide of the petitioners, inasmuch as, there is no intention on their part to cooperate with the investigation.

5. The other aspect of the investigation is that there is found an amount of more than six crores in Government taxes, due and payable which has not been paid by Shri. Gopal Krishna Gour, and also the fact that he is in conspiracy with about 11 owners of the wine stores situated at Ri-Bhoi District, Nongpoh, which has compounded the complicity of the petitioner herein as far as the case is concerned.

6. Another aspect highlighted by the learned Sr. GA is the fact that in course of investigation, the conduct of the petitioners are found wanting, inasmuch as, they have failed to cooperate with the investigation to the extent that a non-bailable warrant of arrest dated 01.10.2024 was issued against them by the learned Judicial Magistrate First Class, Ri-Bhoi District, Nongpoh, which purportedly could not be executed till date. It is because of the reasons aforementioned, the learned Sr. GA has reiterated that the prayer of the petitioners does not deserved consideration by this Court, and the interim bail application may be discharged as devoid of merits.



7. As far as the facts and circumstances of this case is concerned, this Court has perused the FIR(supra), and is of the view that the allegations made therein are serious in nature, more so, as the conduct of the petitioners have been portrayed as one defying due course of justice by indulging in activities which are contrary to law. Though, the allegations are yet to be proved in course of investigation, and eventually, trial, if so warranted. Nevertheless, the complainant would not have made such allegations, if there is no semblance of truth in the same.

8. Since the inception of the FIR and the investigation being launched, it appears that the Investigating Agency has taken steps to compel the petitioners to cooperate with the investigation, but that has also proved futile even to the extent that his known place of resident at Jaipur, Rajasthan has been visited. The further contention of the prosecution that the matter has reached the stage where even non-bailable warrant of arrest was issued against the petitioners, the same not being able to be executed till date, would only cement the fact that the conduct of the petitioners is suspect as far as these proceedings are concerned.

9. The fact that Shri. Gopal Krishna Gour has indeed visited the Khanapara Police Station on 16.02.2025 is only on account of the interim



protection given by this Court, wherein the merits of the petition has not been gone into.

10. Under such circumstances, in view of the gravity and nature of the alleged offence and particularly, the conduct of the petitioners right through the stage of investigation, this Court is of the considered opinion that no further protection could be given to the petitioners.

11. Accordingly, these petitions are dismissed as devoid of merits. The interim bail granted is hereby discharged.

12. Petitions disposed of.

Judge