



Serial No. 05
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

AB. No. 6 of 2025

Date of Decision: 03.03.2025

Smti. Kaushalya Rukmani,
W/o Shri. Gopal Krishna Gour,
R/o Rukmani Jewellers (P) Ltd
Shivshakti Paradise G-66-67,
Central Soine Rd. Sector-2
Central Spince, 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. Chingkame Momin,
D/o Sengran M. Sangma,
Proprietor of Planet Bonded Warehouse Super
Market, P.O & P.S Bhagmara, South Garo Hills,
Meghalaya.

.....**Respondents**

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.

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. Choudhury, Adv. for R 2.

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

JUDGMENT AND ORDER (ORAL)

1. Heard Dr. N. Mozika, learned Sr. counsel assisted by Mr. Philemon Nongbri, learned counsel for the petitioner, who has submitted that this Court has taken cognizance of the prayer made in this petition, and has at the first instance, granted interim bail to the petitioner vide order dated 13.02.2025. At this point of time, it is prayed that the interim bail granted may be made absolute.

2. Mrs. N.G. Shylla, learned Sr. GA assisted by Mr. J.N. Rynjah, learned GA for the State respondent No. 1, while opposing the prayer made, has referred to the status report dated 27.02.2025 filed by Inspector Mukul Koch, Baghmara, Sadar P.S, South Garo Hills, wherein in the latter part of the report, a note has been made that a notice under Section 35(3) BNSS was served to the husband of the petitioner through her, but she has not complied



with the same due to her health condition. In fact, the said notice was issued thrice to her which she failed to comply due to her illness. In this regard, the learned Sr. GA has submitted that interim bail granted to the petitioner/accused may be vacated.

3. On consideration of the submission made, and on perusal of the said status report and the petition in hand, as has been submitted by the learned Sr. GA, this Court, on perusal of the papers on record at page 28 of the petition, has observed that there is appended a notice for appearance by the police under Section 35(3) of BNSS issued upon the petitioner herein, wherein the petitioner was directed to appear before the Investigating Officer on 21.10.2024. Several months have passed by, however, there is no report of what transpired thereafter. From the status report, it could be gathered that the petitioner has failed to appear before the Investigating Officer because of ill health.

4. As far as the provision of Section 35(3) of the BNSS is concerned, if the direction issued is not complied with, it is incumbent upon the Investigating Officer to file a report before the Magistrate concerned and to be issued with an order even for arrest of the noticee. Nothing is found from the record that such process has been undertaken or complied with. However,



it is to be noted that the Investigating Officer has also acknowledged the fact that the petitioner is ill and could not comply with the direction issued under the said notice.

5. As regard the contents of the FIR presumably for which the petitioner has been issued the said notice under Section 35(3), a perusal of the said FIR does not prima facie reveal any complicity of the petitioner/accused as far as the allegations made therein are concerned.

6. In view of the above, this Court is of the considered opinion that there is no case made out against the petitioner, however, because of the reference made by the Investigating Officer is concerned as regard her name, therefore, it could be assumed that there is apprehension of arrest at any point of time in connection with the aforementioned FIR. The FIR in question would be Baghmara P.S. Case No. 04 (03) 2022 under Section 409/418/420 IPC.

7. Accordingly, the interim bail granted to the petitioner is hereby made absolute.

8. In the event of her arrest, the petitioner, Smti. Kaushalya Rukmani is directed to be released on bail on the following conditions that:



- i) She shall not abscond or tamper with the evidence and witnesses;
- ii) She shall appear before the Investigating Officer as and when required;
- iii) She shall not leave the jurisdiction of India without prior permission of the Investigating Officer; and
- iv) She shall bind herself on a personal bond of ₹ 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the Trial Court;

9. In view of the above, this petition is disposed of accordingly.

10. Registry to return back the case diary.

Judge