



Serial No. 06
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

AB. No. 7 of 2025

Date of Decision: 03.03.2025

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 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
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ii)	Whether approved for publication in press:	Yes/No
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JUDGMENT AND ORDER (ORAL)

1. Heard Dr. N. Mozika, learned Sr. counsel assisted by Mr. Philemon Nongbri, learned counsel for the petitioner/accused, who has submitted that this Court, on prayer made by the petitioner/accused in this instant petition, had vide order dated 13.02.2025 granted interim bail with a direction that the petitioner/accused herein would cooperate with the investigation and to appear before the Investigating Officer as and when required.

2. The learned Sr. counsel also submits that admittedly, the petitioner/accused could not appear before the Investigating Officer since circumstances arose, whereby on his appearance before the Investigating Officer at Khanapara Police Station, Ri-Bhoi District, Nongpoh in connection with another case involving the petitioner herein, he was detained



by the police of Tura Police Station, who had, in the meantime, came to the said police station in connection with other cases filed against the petitioner/accused within the jurisdiction of Tura Police Station. Accordingly, he was taken by the police to Tura, and subsequently, from Tura, he was taken into custody and ferried to Ampati Police Station, South West Garo Hills in connection with yet another case, and was formally arrested at Ampati.

3. Therefore, as far as this instant case is concerned, the petitioner/accused, as pointed out, has not appeared before the Investigating Officer. It is however the submission of the learned Sr. counsel that, if interim bail is made absolute, he will cooperate with the Investigating Officer and abide with any conditions to be imposed by this Court.

4. The learned Sr. counsel has also referred to page 28 of this petition, wherein is found the extract of the FIR filed before the Officer-in-Charge, Baghmara Police Station resulting in the registration of the said Baghmara P.S. Case No. 04 (03) 2022 under Section 409/418/420 IPC.

5. It is to be noted that the FIR was filed in the year 2022 and investigation is still ongoing and charge sheet is yet to be filed. The allegation of the complainant therein is that the petitioner/accused, who has been



running her Bonded Warehouse at Baghmara from the year 2007 till 2021, had evaded paying the required taxes to the Government and his mobile phone was switched off. The FIR also states that a show cause notice was issued from the concerned department, however, the same could not be affected, since his whereabouts are not known. As such, police intervention is required. Hence, the FIR.

6. Per contra, Mrs. N.G. Shylla, learned Sr. GA assisted by Mr. J.N. Rynjah, learned GA for the State respondent No. 1, has strongly opposed the prayer made herein, and has submitted that the allegation made against the petitioner/accused are serious in nature, even though, relevant section of law include Section 420 IPC, the fact of the matter is that the petitioner/accused as Manager of the concerned Bonded Warehouse, had failed to pay the required taxes to the Government with effect from the year 2007 to 2021.

7. The learned Sr. GA also submits that, in course of investigation, since the petitioner/accused has failed to appear before the Investigating Officer, the police personnel had even proceeded to his known place of residence at Jaipur in the State of Rajasthan to apprehend him, and yet, could not do so till he finally voluntarily appeared before the Khanapara Police Station. In view of the conduct of the petitioner/accused and the severity of



the offence alleged, the learned Sr. GA has submitted that the prayer made in this petition may not be allowed.

8. Now, what would concern this Court is to look into the conduct and antecedent of the petitioner/accused as far as this case is concerned. Records would reveal that since the last order passed by this Court i.e. on 13.02.2025, the Investigating Officer has not made any effort to require the attendance of the petitioner/accused before him. Be that as it may, it is incumbent upon the Investigating Officer to be diligent in his investigation and from what has been submitted by the learned Sr. GA that the conduct of the petitioner/accused is such that not only he is involved in a matter which is serious in nature, but also that his attendance whenever required could not be ascertained, prompting the police to even go to his residence at Jaipur. The submission made by the learned Sr. GA would be relevant, if concerted efforts has been made by the Investigating Officer.

9. This Court, at this juncture, would refer to an authority passed by the Hon'ble Supreme Court as far as bail matters are concerned, wherein in the case of Sanjay Chandra v. CBI reported in (2012) 1 SCC 40 at para 21, the following has been observed:

“21. In bail application, generally, it has been laid down from the earliest times that the object of bail is to secure the



appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.”

10. Having heard the learned counsels for the parties, this Court is inclined to allow the prayer made herein. Accordingly, the interim bail granted to the petitioner/accused is hereby made absolute.

11. The petitioner/accused, Shri. Gopal Krishna Gour 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 appear before the Investigating Officer as and when called for;
- iii) He shall not leave the jurisdiction of India without prior permission of the Investigating Officer;
- iv) He shall bind himself on a personal bond of ₹ 50,000/- (Rupees fifty thousand) only with one surety of like amount to the satisfaction of the Trial Court;



- v) He shall surrender his passport before the Investigating Officer, and would require his permission, if he is required to travel abroad during the pendency of the case; and
- vi) He is also to give his contact number and place of residence to the Investigating Officer immediately.

12. Needless to say, any violation of the above conditions, would allow the prosecution to file an appropriate application for cancellation of the bail either before the Trial Court or before this Court.

13. In view of the ongoing investigation, the petitioner/accused, in the first instance, is directed to appear before the Investigating Officer on 07.03.2025.

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

15. Registry to return back the case diary.

Judge