



Serial No. 03
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA No. 9 of 2025

Date of Decision: 04.03.2025

Shri. Pankaj Gupta,
 S/o Shri. Hari Kishan Prasad Gupta,
 R/o 318, Near Tura Masjid, Tura Bazar, Tura,
 West Garo Hills District,
 Meghalaya

.....Petitioner/Accused Person

- Vs-

1. State of Meghalaya
 Represented through the Secretary (Home)
 Government of Meghalaya;
2. Investigating Officer,
 Bajengdoba P.S. Case No. 14 (5) of 2024 U/S 379/403/408/409/421
 of the Indian Penal Code, 1860, read with Section 7 of the Essential
 Commodities Act, 1955

.....Respondents

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	: Mr. N. Khera, Adv. Mr. R. Kharkrang, Adv.
For the Respondent(s)	: Mr. N.D. Chullai, AAG with Ms. R. Colney, GA

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| 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 Mr. N. Khera, learned counsel for the petitioner/accused persons who has submitted that vide FIR dated 15.05.2024 lodged by one Shri. Starson Marak before the Officer-in-Charge, Bajengdoba Police Station, North Garo Hills, the FIR was taken cognizance of and the case being Bajengdoba P.S. Case No. 14(05)2024 under Section 379/403/408/409/421 IPC read with Section 7 of Essential Commodities Act was registered and investigation followed. The petitioner being named in the complaint made therein, after going through the process of having been issued a notice under Section 41A Cr.P.C was eventually arrested by the police on 14.01.2025 and is now in judicial custody.

2. The learned counsel apart from making his submission on certain contentious issues raised, the same pertaining to the alleged breach of legal formalities following the arrest of a person, has however, stressed only on the fact that the petitioner in a critical stage of illness, requires immediate medical attention which may even entail hospitalisation. The learned counsel has however submitted that this Court vide its previous order dated 17.02.2025 had directed for medical examination of the petitioner which was duly complied with by the authorities concerned and today, the report of such medical examination was produced before the Court by the prosecution.

3. On perusal of the said report, the learned counsel has submitted that the medical examination of the petitioner would reveal, inter alia, that his kidney, liver, etc. requires immediate medical attention. On this ground and other related grounds, the learned counsel has submitted that the



petitioner may be enlarged on bail with any conditions to be imposed by this Court.

4. Mr. N.D. Chullai, learned AAG along with Ms. R. Colney, learned GA in all fairness has conceded to the prayer made by the petitioner only to the aspect of medical attention which requires the petitioner to be examined by a specialist at any medical facility of his choice. Accordingly, it is submitted that if bail is to be considered, strict conditions may be imposed to ensure that the petitioner cooperate with the ongoing investigation.

5. On consideration of the submission made and on perusal of the medical report dated 26.02.2025 pertaining to the medical condition of the petitioner herein, this Court hereby directs that the petitioner be released on bail on the following conditions, that:

- i. He shall not abscond or tamper with the evidence and witnesses;
- ii. He shall bind himself on a personal bond of ₹ 50,000/- (Rupees fifty thousand) only with one solvent surety of like amount to the satisfaction of the Magistrate concerned;
- iii. He may avail medical attention at any medical facility within the country but details of which, should be intimated to the IO concerned, such as the name and place of the medical institute, the date or dates proposed to be admitted at such facility;



- iv. He shall give the details of his contact number and place of residence to the IO; and
- v. He shall not leave the jurisdiction of India without the prior permission of the IO concerned.

6. In view of the above, this petition is hereby disposed of.

Judge