



Serial No. 03
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

CrI.M.C. No. 11 of 2025

Date of Decision: 24.02.2025

Smti. Esther Syiem,
Aged about 51 years,
W/o Shri. Ricky Diengdoh,
R/o- 5th Mile Upper Shillong,
East Khasi Hills District,
Meghalaya.

.....Petitioner

-VERSUS-

1. The State of Meghalaya
Represented by Secretary (Home)
Government of Meghalaya.
2. The Superintendent of Police,
Ri-Bhoi District, Meghalaya.

.....Respondents

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S.S. Yadav, Adv.

For the Respondent(s) : Mr. J. Thabah, 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 |



ORDER (ORAL)

1. In CrI.M.C. No. 130 of 2024 this Court vide order dated 26.11.2024 had allowed the prayer of the petitioner therein who had sought for extension of an interim order passed by this Court in BA No. 32 of 2024 as regard the medical treatment required concerning her son, Shri. Daniel Syiem who is an accused in connection with Umsning P.S. Case No. 21(7) 2023 under Section 21(c)/29 NDPS Act.
2. Pursuant to the said order, the petitioner had taken necessary steps for according the necessary medical treatment to her son within the three months' period of extension allowed therein.
3. Now, with the said period of extension due to expire on 26.02.2025, the petitioner has once again approached this Court with a further prayer for extension of the interim bail by another six months.
4. Mr. S.S. Yadav, learned counsel for the petitioner has submitted that this Court in its many orders passed in this connection had directed the petitioner to ensure that her accused son is being treated at the CMC, Vellore, Tamil Nadu as was opined by the relevant medical doctors. In furtherance of this Court's direction, the petitioner had approached the office of the Director of Health Services (DHS) for sanctioning of the required amount of money to enable treatment of her son. However, though the DHS had sanctioned the amount required, till 07.02.2025 the money is yet to be disbursed and as such, the petitioner is unable to proceed for the said medical treatment of her son.
5. It is also the submission of the learned counsel that in the



meantime, quite in keeping with the directions of the Court, the petitioner had also caused medical examination of her son to be conducted at the North Eastern Indira Gandhi Regional Institute of Health and Medical Sciences (NEIGRIHMS), Shillong. The concerned medical doctor after examination of the accused/patient had vide opinion dated 16.01.2025 referred his case for further treatment to Gastroenterologist, CMC, Vellore.

6. In the meantime, the accused/patient had also visited the Civil Hospital, Shillong from time to time for treatment of his mental condition which has caused bout of anxiety to surface from time to time. In this regard, the opinion dated 18.02.2025 of the attending doctor at the Civil Hospital as far as the accused person is concerned is that he requires regular medication and strong family support as he is having suicidal thoughts.

7. For the reasons aforementioned, the learned counsel has submitted that the interim bail granted may be made absolute to enable the accused/patient to receive adequate medical attention and treatment.

8. Per contra, Mr. J. Thabah, learned GA has opposed the prayer made and has submitted that the petitioner has misled this Court, since at the time when the previous order for extension was obtained it was submitted that the DHS had already sanctioned the amount required for treatment at the CMC, Vellore but today a U-turn was made to say that the fund is yet to be disbursed.

9. It is also the submission of the learned GA that the ailment of the



accused/patient is not life threatening but could be treated locally, that is, at any hospital within the State or Shillong city and as such, it is not required for the patient to be treated at CMC, Vellore.

10. As to the suicidal tendency exhibited by the accused, the learned GA has submitted that this is a natural phenomenon of every person who is incarcerated in custody and kept within the prison's confine and as such, credence may not be given to such complaint, the same can be suitably addressed by the medical officers at the prison complex itself. Therefore, the prayer made for extension is liable to be rejected on merits, submits the learned GA.

11. This Court having heard the argument advanced by the learned counsel for the rival parties, is well aware that extension of the interim bail has been granted from time to time to allow the accused/son of the petitioner to get proper medical treatment for his complaints. However, even today, the situation has not improved inasmuch as medical reports as has been produced before this Court would show that the accused/patient still requires proper medical attention.

12. With deference to the medical advice as regard the treatment of the accused/patient coupled with the fact that the required disbursement of funds to enable the petitioner and the family members to admit the patient at the CMC, Vellore has not yet materialized, it would be but proper to give some more time to the petitioner to take necessary steps in this regard.

13. Without going into the merits of the case, at this point of time,



the prayer of the petitioner is allowed, however the prayer for grant of absolute bail will not be considered as yet, except to say that a case for extension of the interim bail granted earlier has been made out.

14. Accordingly, the interim bail granted by this Court vide order dated 26.09.2024 in BA No. 32 of 2024 is hereby further extended for a period of 90 days w.e.f. 26.02.2025.

15. It is directed that the petitioner on completion of the medical treatment of her son as indicated above, will produce him to undergo further custody on the day the said period of 90 days expires.

16. Let copy of this order be issued upon the Superintendent, District Prisons and Correctional Home, Ri Bhoi District for necessary information.

17. Petition disposed of.

Judge