



Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.M.C. No. 14 of 2025

Date of Decision: 13.08.2025

State of Meghalaya
 Through the Investigating Officer,
 Araimile Police Station,
 West Garo Hills District,
 Meghalaya.

..... **Petitioner**

- Vs-

Shri. Gopal Krishan Gour,
 S/o (L) Motilal Gour,
 R/o 7/144, Vidhyadhar Nagar,
 Jaipur, Rajasthan – 302039.

..... **Respondent**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Ms. S. Ain, GA. Ms. S. Laloo, GA.
For the Respondent(s)	:	Mr. S. Pandit, Adv. Mr. P. Kumar, Adv. Mr. V.K. Mahajan, Adv.

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. This is an application made under Section 483(3) of the BNSS for cancellation of anticipatory bail granted by this Court vide order dated 24.09.2024 in AB. No. 16 of 2024 favouring the respondent herein.

2. Heard Ms. S. Ain, learned GA for the State petitioner, who has submitted that an FIR dated 07.03.2024 was filed before the Officer-in-Charge, Tura Police Station, wherein the complainant therein, had made a number of accusations against the respondent herein who was her Manager tasked with the affairs of managing her bonded warehouse and who in the process, had transferred huge sum of money from the warehouse to his personal bank account as well as to some of his relatives. The FIR is said to have been filed to the jurisdiction of the Tura Police Station which could not take cognizance of the same, and as such, the same was forwarded to Araimile Police Station, whereupon Araimile P.S. Case No. 25 (05) 2024 under Section 406/417/420/465 IPC was registered.

3. On coming to know of the lodgment of such FIR, the respondent/accused had approached this Court with an application for grant of anticipatory bail, the same being registered as AB. No. 16 of 2024. This Court vide order dated 27.08.2024 passed therein, had granted interim bail to the respondent by imposing certain conditions such as, direction to appear



before the Investigating Officer as and when required.

4. The respondent, however, had violated the conditions of the interim bail granted to him, and has failed to appear before the Investigating Officer on being called. However, on the date fixed for hearing of the petition before this Court, the respondent/accused had sought for leniency as against his conduct and had assured this Court that he would abide with any conditions to be imposed, if the prayer for interim bail is granted.

5. This Court has then, vide order dated 24.09.2024 made the interim bail absolute and had directed that in the event of his arrest, he shall be released on bail provided he complies with certain conditions set out in the order.

6. It is the further submission of the learned GA that the respondent in spite of several requests made by the Investigating Officer, including service of several notices, including notice issued under Section 91 Cr.P.C, calling upon him to produce certain documents and also notice under Section 41A Cr.P.C, calling upon him to appear at Araimile Police Station on 10.12.2022, he has failed to appear before the Investigating Officer on such date. Another notice under Section 41A was issued upon him through his counsel requiring him to appear personally before the Court of the learned Chief Judicial Magistrate, Tura on 17.01.2024 for recording of his specimen



handwriting, the respondent has yet again failed to appear before the Investigating Officer as well as the learned CJM.

7. Again, the learned GA has submitted that in the intervening period, while still on bail, an FIR was also lodged against the respondent alleging that he has threatened a witness. However, as far as the case in question is concerned, the fact that he has failed to appear before the Investigating Officer, the respondent has also not yet furnished his personal bond of ₹ 50,000/- (Rupees fifty thousand) only along with the said sureties to the Investigating Officer or the concerned court and has also failed to deposit his passport with the Investigating Officer.

8. For the above facts, what is apparent is that the respondent has violated the bail conditions set out by this Court, particularly condition No. (i), (iii) and (v). As such, the bail granted to him is liable to be cancelled on this ground alone.

9. In support of her contention, the learned GA has cited the case of Hanuman Satedwal v. State of Rajasthan & Anr., wherein the Apex Court vide order dated 22.07.2016 in CRIMINAL APPEAL No. 685 of 2016, on the facts of the case noting that the accused person therein is not cooperating with the Investigating Officer, had set aside the order of the High Court, granting anticipatory bail to the accused-respondent No. 2. Similarly, in the



case of Durg Vijay Singh v. State of Madhya Pradesh & Anr., the Hon'ble Supreme Court vide order dated 30.05.2023 in Special Leave to Appeal (Crl.) No(s). 4320-4321/2023 had upheld the order of the High Court wherein the anticipatory bail granted to the petitioner therein was cancelled on observing that the petitioner was not cooperating with the investigation and was not responding to the Investigating Officer despite being called.

10. Per contra, Mr. S. Pandit, learned counsel for the respondent/accused has refuted the contention raised by the learned GA, and has submitted that the accused has not violated any of the conditions aforesaid. In fact, at the first instant, when the respondent/accused was granted interim bail by this Court vide order dated 27.08.2024, he had appeared before the Investigating Officer on 19.09.2024 and was also made to execute a bail bond.

11. When the respondent/accused on being granted the relief of anticipatory bail vide order dated 24.09.2024 in AB. No. 16 of 2024, it is a fact that one of the bail conditions is that, he should make himself available to the Investigating Officer as and when required, however, in view of his sickness on 16.01.2025, the respondent/accused could not appear before the Investigating Officer and has instructed his counsel to inform the Investigating Officer of the same. This was in response to a notice under



Section 41A Cr.P.C dated 07.12.2024 issued by the Investigating Officer, calling upon him to appear before him on 17.01.2025 and to produce the original documents which were seized in course of investigation. It is therefore not the intention of the respondent/accused not to appear before the Investigating Officer or to violate any of the conditions imposed, submits the learned counsel.

12. It is the further submission of the learned counsel that the bonafide of the respondent/accused is clearly made out, when on receipt of notice under Section 91 Cr.P.C, calling upon him to produce certain documents, he had accordingly done so, and has dispatched such documents on 07.12.2024. However, the direction of the Investigating Officer that he should appear before the learned Chief Judicial Magistrate, West Garo Hills, Tura, could not be complied with, since no formal notice have been received from the Court of the said learned CJM. Thereafter, no notice or date has been fixed for the accused to appear before the Investigating Officer.

13. The learned counsel has also submitted that even though, it is a fact that he has failed to appear before the Investigating Officer on one or two dates, however, failure to do so, cannot be a ground for cancellation of bail. In support of his contention, the learned counsel has referred to the case of Directorate General of GST Intelligence v. Manish Goyal, wherein vide



order dated 19.01.2024 in CRL.M.C 881/2023, the Hon'ble High Court of Delhi at para 16 of the same, looking into the facts and circumstances of the case therein, had observed that, "*non-appearance for investigation on one or two dates cannot be ground for cancellation of bail...*"

14. Finally, it is submitted that this petition may be dismissed as devoid of merits and the respondent/accused be allowed to appear before the Investigating Officer on being summoned, considering the fact that he is being implicated in a number of criminal cases and is also of advanced age of about 65 years.

15. This Court has considered the submission made by the learned counsel for the parties and in course of these proceedings, had also required the Investigating Officer to file the status report which was done so. The Investigating Officer, in his report, has reiterated that the respondent/accused ever since he was granted anticipatory bail by this Court, had failed to appear before him inspite of notices under Section 91 Cr.P.C which was served on him on 25.11.2024, requiring him to appear before the police and to produce relevant documents in connection with the case and also that he is to appear before the court for recording of his specimen handwriting, he has failed to do so. On 07.12.2024, one Advocate, Shri. Vijay Kumar Mahajan, had appeared on his behalf and though, notice under Section 41A was issued



upon the respondent/accused through the said Advocate, calling upon him to appear in Tura Court on 17.01.2025, he has again failed to appear by citing grounds of illness. The fact is that the respondent/accused has failed to appear before him till date.

16. On a query made by this Court, the learned counsel has fairly admitted that the respondent has not yet appeared before the Investigating Officer for the reasons that he was not keeping well. It is also further admitted that the bail bonds are yet to be executed before the Investigating Officer for this reason, that is, because of the fact that he is unable to appear before the Investigating Officer.

17. Again, as far as deposit of the passport of the respondent is concerned, the learned counsel has submitted that the passport has been retained by the Passport authorities at Jaipur, Rajasthan, for which due intimation was given to the Investigating Officer in this regard, as such, there is no question of violation of the bail conditions in this connection. In fact, in view of the respondent being implicated in a number of criminal cases, the passport of the respondent has since been cancelled.

18. What is observed by this Court herein is that the respondent was granted anticipatory bail vide order dated 24.09.2024 with conditions imposed therein. The purpose of granting anticipatory bail is to allow the



person concerned to approach the relevant authorities, whether it is the Investigating Officer or the court, to formally affect his arrest and thereafter, to be immediately granted bail, whereupon he is required to execute the bail bonds in his personal capacity and also to produce sureties who would also execute similar bail bonds to the satisfaction of the arresting authorities.

19. The next step is for his cooperation in the ongoing investigation for which, he is required to appear before the Investigating Officer as and when called for. Further, in this particular case, the respondent is also directed to deposit his passport before the Investigating Officer.

20. None of the above steps have been taken by the respondent and the only reason given is that, he is having medical problems which has prevented him from appearing before the Investigating Officer. However, this assertion has been proved otherwise, inasmuch as, by his own admission, on 16.02.2025, he has appeared before the Khanapara Police Station, Ri-Bhoi District in connection with Khanapara P.S. Case No. 25 (7) 2024, for which he was then brought to Tura, West Garo Hills District in connection with Tura Women Case No. 8 of 2025, and again, being arrested in connection with another case being Ampati P.S. Case No. 10 (2) 2025.

21. Under such circumstances, the respondent could not have taken the ground of sickness, perpetually to avoid appearing before the



Investigating Officer in connection with the case for which he was granted anticipatory bail. The conduct of the respondent has clearly exhibited a clear mindset of defiance in complying with the aforesaid bail conditions. He could not take shelter in the case of Manish Goyal (supra) as at para 16 of the said case, the Hon'ble High Court of Delhi has noted that, the accused therein had appeared before the authorities on various occasions except for one or two dates, which is not the case herein.

22. Therefore, being convinced that there is an attempt by the respondent to scuttle the process of the judicial administration by trying to avoid compliance of the directions of this Court, the act of the respondent can only be seen as one of deliberate failure to abide by the aforesaid bail conditions.

23. As to the assertion as regard the cancellation of his passport, under such circumstances, the condition imposed by this Court for deposit of the same before the Investigating Officer has become infructuous. Therefore, on this account, the respondent could not be held liable for not complying with the aforesaid condition.

24. Accordingly, even while acknowledging the authorities cited by the learned GA, this Court is convinced that the State has made out a case for cancellation of the bail granted vide order dated 24.09.2024 (supra). The



same is hereby done so.

25. On the said bail being cancelled, the Investigating Officer is directed to take steps for taking the respondent to custody in connection with the said Araimile P.S. Case No. 25 (05) 2024 under Section 406/417/420/465 IPC.

26. Application disposed of. No costs.

27. Send back the case diary.

Judge