



Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA No.21 of 2025

Date of Order: 23.05.2025

Shri. Klasstarwell Warjri
S/o (L) Kamar Nongrum
Aged about 41 years
R/o Langtor Village,
P.O/PS. Mairang
Eastern West Khasi Hills District, Meghalaya

.....Petitioner

-VERSUS-

The State of Meghalaya represented by
the Public Prosecutor, Government of Meghalaya, Shillong
.....Respondent

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. P. Yobin, Adv

For the Respondent(s) : Mr. N. Syngkon, Asst.PP with
Mr. J.N. Rynjah, GA

(ORAL)

This bail application under section 483 of BNSS 2023 is filed praying for release of the accused Shri. Rijessing Warjri on bail in connection with Mairang P.S Case No.21 (03) of 2025 under section 103(1)/238(a) BNS 2023.

1. The Mairang P.S Case No.21 (03) of 2025 under section 103(1)/238(a) BNS, 2023 was registered after the dead bodies of (L) Darisha Lyngdoh Kynshi and her 2 months old baby boy were found in a small dam at Langtor. The accused being the prime suspect was arrested



on 04.03.2025. Prior to approaching this Court, three bail applications were preferred on behalf of the accused person before the learned Court of the Judicial Magistrate First Class and the same were rejected.

2. Mr. P. Yobin, learned counsel appearing for the petitioner submits that the accused has been implicated in the case without any basis. He submits that despite the fact of not having any connection with the case, the accused person did not run away and all along has been cooperating with the investigation. He submits that even after the lapse of considerable period of time, there is no progress in the investigation of the case and it is yet to be ascertained whether deaths of the victims were homicidal death or not. He submits that the accused person voluntarily offered to undergo DNA test for establishing his innocence against the accusations made in the case. He submits that the rejection of all the bail applications earlier by the learned Judicial Magistrate were without proper appreciation of the relevant factors. He submits that the prayer for remand of the accused person in custody is made mechanically inasmuch as the same grounds for remand were reiterated every time by the investigating authority. He submits that the objection of the investigating authority that the release of the accused person may lead to public unrest or disturb social harmony is wholly untenable and unworthy of legal consideration. Relying on the judgment of the Apex Court reported in *(2012) 1 SCC 40 Sanjay Chandra Vs. Central Bureau of Investigation*, the learned counsel submits that the seriousness of the charge cannot be the sole ground for rejecting the bail application and prays that the accused person may be enlarged on bail on any condition as deemed fit and proper.

3. Mr. N. Syngkon, learned Asst.PP on the other hand, vehemently objects to the prayer for grant of bail and submits that the accused person is not at all cooperating with the investigation. He submits that the investigating authority is yet to recover one mobile phone of the accused



person and he has deleted all the data from his other mobile phone. He submits that the one mobile phone was destroyed by the accused person by setting it on fire. He submits that the accused person has all along been concealing the vital evidence of the case from the investigating authority and his release at this stage will hamper further investigation of the matter. He submits that offence involved in the present matter is very serious and there is every likelihood that the accused may influence the vital witnesses of the case. The learned Asst.PP refers to the decision of the Apex Court reported in (1985) 2 SCC 597 *Pokar Ram v. State of Rajasthan & ors* and submits that release of an accused person on bail in a murder case when the investigation of the case is in progress can only be made on very compelling circumstances. He submits that no compelling circumstances has been made out in this case and the bail application deserves to be rejected.

4. Upon hearing the learned counsel for the parties and after perusal of the materials on record, it is clear that the accused person has been arrested in connection with the death of one lady and her 2 months old baby boy. Both the dead bodies were found on 02.03.2025 after missing report with regard to their disappearance was lodged on 01.03.2025. The factual background of the case, as can be gathered at this juncture, is that the deceased (L) Darisha Lyngdoh Kynshi all along maintained that the accused person was the father of the baby boy born to her. The accused person, however denied the allegation.

5. In terms of the order dated 14.05.2025, the learned Asst.PP has produced a copy of the case diary of Mairang P.S. Case No.21(03) 2025. With the able assistance of the learned Asst.PP, this Court has gone through the case diary. The contents of the FIR dated 02.03.2025 reveal that another FIR was lodged on 12.02.2025 against the accused person on the ground that the accused person used to threaten the deceased (L) Darisha Lyngdoh Kynshi because she claimed that the accused person



was the father of the child born to her (baby boy found dead with her). It also appears that the attempt of the investigating authority to recover the missing mobile phone belonging to the accused person also failed. Further, some burnt objects suspected to be parts of an old mobile phone were found from a dumping area by the investigating authority signifying the attempt to destroy evidence. The contention raised by the learned Asst.PP, as such, finds force.

6. The decision of *Sanjay Chandra (supra)* relied upon by the learned counsel for the petitioner was rendered in connection with a matter involving economic offence. What is provided therein is that the seriousness of the charge, though one of the relevant considerations, should not be the sole basis or the only test for deciding bail matters. Thus, it cannot be interpreted to say that the seriousness of the offence should be ignored while considering the bail application. The present case is registered under section 103(1)/238(a) BNS 2023 and there is no material available at this juncture to treat the case otherwise.

7. In view of the discussion made above, this Court finds that the release of the accused person on bail at this stage may hamper the investigation of the case.

8. This bail application stands rejected.

9. The copy of the case diary be returned to the learned Asst.PP.

Judge

Meghalaya
23.05.2025
"Shrity,PS"