



Serial No.08
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

M.C [WP (Crl.)] No.3 of 2022 in
[WP (Crl.)] No.3 of 2022

Date of Order: 03.11.2025

No.113990825 CT/(GD) Shri. Bhand Kanhaiya Ramhari, 58 th Batallion Border Security Force S/o Kanaahiya Ramhari. R/o Kusum Nagar, Bhoom, Bhoom District Osmanabad, Maharashtra - 413504	Vs.	1. The Union of India, Represented by the Secretary, Ministry of Home Affairs, Government of India, New Delhi. 2. The Director General, Border Security Force, (F.H.Q), 10 – Central Office Complex, Lodhi Road, New Delhi – 03. 3. The Additional Director General (EC) HQ SPL DG (EC) BSF, Kolkata. 4. The Commandant, 55 th Batallion, Border Security Force, Dobasipara, Tura, West Garo Hills District, Meghalaya. 5. The Deputy Inspector General, BSF, FTR, HQ, BSF, West Garo Hills District, Meghalaya.
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.....PETITIONER.

.....RESPONDENTS.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) For the Respondent(s)	: Mr. K. Ch. Gautam, Adv. : Dr. N. Mozika, DSGI with Ms. N.A.U. Sogra, Adv.
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ORAL:-

Heard learned Counsels appearing for the parties.

This is an application for grant of bail to the petitioner pending disposal of the main writ petition filed against the conviction and sentence dated 10-05-2-21 by which the petitioner was sentenced to undergo rigorous imprisonment for 7 years. Although, this application was filed at the time when the writ petition challenging the conviction of sentence was preferred, the same was not taken up for consideration. Till date, the main writ petition also could not be taken up for final hearing and disposal on merit and, in the meantime, the petitioner has already served more than half of the period of sentence awarded.

The learned Counsel appearing for the petitioner submits that the Apex Court in catena of cases held that where challenge to the conviction and sentence cannot be disposed of expeditiously and the convict, in the meantime, has spent for more than half of the period of his sentence in custody, he should be released on bail. There is no dispute between the parties with regard to the aforesaid proposition of law laid down by the Apex Court.

Since, the petitioner herein has undergone detention from 10-05-2021 till date covering more than half of his sentence, it is deemed appropriate that he should be released on bail. It is, therefore, ordered, without reference to the merits of the contention raised in the connected writ petition, the petitioner be released on bail on the following conditions: -



i) The petitioner shall furnish a personal bond of Rs. 20,000/- (twenty thousand rupees) with a surety of like amount to the satisfaction of the Registrar General of this High Court.

ii) The petitioner shall not abscond or leave the jurisdiction of the country.

iii) The petitioner shall give prior information of his travel plan and his place of stay/residence either to the Deputy Inspector General, B.S.F, Tura or the Inspector General, Frontier Headquarter, B.S.F, Shillong.

iv) The petitioner shall make himself available before the Court or any other authority as and when he is ordered to do so.

With the above, this M.C [WP (Crl.)] No.3 of 2022 stands disposed of.

Judge

Meghalaya
03.11.2025
"Biswarup PS"