



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Rev.P. No. 10 of 2025

Date of Decision: 16.10.2025

1. Shri. Gopal Krishna Gour
S/o (L) Motilal Gour
R/o Rukmani Jewellers (P) Ltd
Shivshakti Paradise G-66-67,
Central Soine Rd. Sector-2
Central Spine, Vidhyadhar Nagar
Jaipur Rajasthan-302039
2. Shri. Rahul Sharma,
S/o Shri. Gopal Krishna Gour
R/o Rukmani Jewellers (P) Ltd
Shivshakti Paradise G-66-67,
Central Soine Rd. Sector-2
Central Spine, Vidhyadhar Nagar
Jaipur Rajasthan-302039

..... **Petitioners**

- Vs-

1. The State of Meghalaya
Represented by the Commissioner
Secretary, Home Department
Government of Meghalaya Shillong.
2. The Investigating Officer,
Khanapara Police Station, Ri-Bhoi
District, Meghalaya.

..... **Respondents**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge



Appearance:

For the Petitioner/Appellant(s)	:	Dr. N. Mozika, Sr. Adv. with Mr. Philemon Nongbri, Adv. Ms. R. Fancon, Adv. Mr. R. Pahsyntiew, Adv.
For the Respondent(s)	:	Mr. J.N. Rynjah, GA. Ms. S. Kh. Nongrum, GA. vice Mrs. N.G. Shylla, Sr. GA.

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. Heard Dr. N. Mozika, learned Sr. counsel assisted by Mr. Philemon Nongbri, learned counsel for the petitioners.

2. Also heard Mr. J.N. Rynjah, learned GA for the State respondent.

3. It is the submission of the learned Sr. counsel for the petitioners that the petitioners as appellants has approached the Hon'ble Supreme Court, and vide order dated 29.04.2025 passed in SLP (Crl.) No. 3588 of 2025 and another similar and identical matter passed vide order dated 21.04.2025 in SLP (Crl.) No. 3615 of 2025, the Hon'ble Supreme Court, in the operative part of the order, has directed that the appellants be given the relief of the anticipatory bail in the event they are arrested, and shall be released on terms and conditions as may be determined by the concerned



court. It was also directed that the appellants shall fully cooperate with the investigation and, if they do not cooperate with the investigation, the State is at liberty to move the Trial Court for cancellation of the anticipatory bail.

4. In due course, the Investigating Officer as petitioner, has approached the Trial Court i.e. the Court of the learned District and Sessions Judge, Ri-Bhoi District, Nongpoh with an application under Section 483(3) BNSS, with a prayer to cancel the anticipatory bail granted to them by the said order of the Hon'ble Supreme Court on the ground that they have misused the liberty granted to them and have failed to appear before the Investigating Officer when called for.

5. Upon hearing the parties, the learned Trial Court vide order dated 06.10.2025, has accordingly allowed the prayer made and has cancelled the said anticipatory bail with a further direction to the petitioners herein to surrender before the court within a period of 1(one) week.

6. The learned Sr. counsel has also submitted that the petitioner No. 1 is a person of more than 63 years of age with various bodily ailments, and as such, he was genuinely prevented from appearing before the Investigating Officer when called for. However, though request was made for his appearance via video conferencing mode or rather by online mode, the prayer was not allowed.



7. It is the further submission of the learned Sr. counsel that it is not the intention of the petitioners to scuttle the process of investigation, but for the reasons so stated, and at this point of time, they would give an undertaking that they are ready to appear before the Investigating Officer on any date at any place that they are directed to appear before such Investigating Officer. Under such circumstances, it is prayed that the said impugned order dated 06.10.2025 be set aside and quashed.

8. Per contra, the learned GA has strongly opposed the prayer made, firstly, on the ground that the offence alleged against the petitioners are very serious, even to the extent of an allegation made against them for tax evasion or the like, and secondly, their past conduct has consistently shown that they have no regards for due process, and has flouted court orders from time to time. The non-appearance before the Investigating Officer can also be construed as an act of defiance against the system. As such, the prayer made in this petition may not be allowed, and the same be dismissed, further submits the learned GA.

9. This Court has heard the arguments made by the learned counsel for the respective parties, facts as stated above would show that there has been an apparent violation of the Hon'ble Supreme Court's order by the petitioners, when they have failed to appear before the Investigating Officer



as and when called for. However, no record is produced to show that the Investigating Officer has made several attempts to compel them to appear before him, except the one occasion as has been pointed out by the petitioners and confirmed by the learned GA.

10. It is well-settled that in the matter of cancellation of bail, the courts have to be diligent and circumspective since it involves the personal liberty of a citizen and, if not for very apparent misconduct by the petitioners or a clear violation of set conditions imposed by the court, more often than not, the courts and even the prosecution would be expected to take a lenient view, if in the long run, the objective would be solved by the conduct or appearance of such accused persons or petitioners. In this case, since it was only on the first call that the petitioners have failed to appear before the Investigating Officer, this Court is of the opinion that opportunity must be given to the petitioners to appear before the Investigating Officer as and when called for. Accordingly, the prayer made in this petition is hereby allowed.

11. The impugned order dated 06.10.2025 is set aside and quashed. However, the petitioners are directed to appear before the Investigating Officer positively on 22.10.2025, failing which the Investigating Officer will take necessary steps to bring them into custody.



12. In view of the above, this petition is disposed of accordingly.

No costs.

Judge