



Serial No. 04
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA No. 34 of 2026

Date of Decision: 29.06.2026

Shahidul Islam, aged about 34 years,
Son of Jalibar Rahaman,
Resident of Village: Majarchar, P.O. Kalairdia, P.S.- Alopaticchar,
Dist. Barpeta Assam

...Petitioner

-Versus-

1. State of Meghalaya
Represented by the Commissioner & Secretary,
Home Police Department
Government of Meghalaya, Shillong.
2. The Investigating Officer,
Madanrting Plice Station
East Khasi Hills, District, Meghalaya.

...Respondents

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

- | | | |
|-----|---|--------|
| i) | Whether approved for reporting in
Law journals etc.: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |

Appearance:

For the Petitioner/Appellant(s) : Mr. N.J. Dutta, Adv.
Mr. S.K. Hassan, Adv.

For the Respondent(s) : Mr. H. Kharmih, Addl. P.P



JUDGEMENT AND ORDER (ORAL)

1. Heard Mr. N.J. Dutta, learned counsel for the petitioner who is the brother of Md. Noor Alam, the accused person who was implicated in connection with Umiam P.S. Case No.20(04) 2026 under Section 305(a)/331(4)/324(5)/31(2)(b)/3(5) of the BNS, 2023. The learned counsel has submitted that the accused person in question was arrested on 16.11.2026 on the strength of an FIR dated 06.11.02026 filed by the Branch Manager, Meghalaya Cooperative Apex Bank Ltd. Bhoirymbong Branch before the Officer In-charge, Khapmara P.I.C, Bhoirymbong, Ri Bhoi District.

2. The application relates to theft in the ATM room of the said bank which occurred between midnight of 05.04.2026 to early morning of 06.04.2026. In course of investigation, six accused persons have been arrested including the accused person in question herein.

3. The learned counsel has submitted that irrespective of the allegation made against all the accused persons, the accused person in question is not at all connected with the said offence inasmuch as he is a businessman by profession and has a shop name and style as M/S AFROJE DIGI POINT near Lokapriya Bordoloi International Airport, Azara, Guwahati and not being aware of the facts and circumstances of the said theft, he has admittedly facilitated the booking of air and railway tickets of some of the accused persons. This, according to the learned counsel cannot be construed as the act of an accomplice inasmuch as it was his duty as a businessman to cater to the request or requirements of his customers. However, in course of investigation, he was arrested in connection with the said case. Accordingly, it is prayed that the prayer made in this petition may be



allowed and that he may be enlarged on bail with any conditions to be imposed by this Court.

4. Per contra, Mr. H. Kharmih, learned Addl. P.P has strongly opposed the prayer made and has submitted that investigation is yet to completed in this case and so far what has been pointed out in the process of investigation is that there was a spate of theft and burglary in a number of ATM booths at different places including the one in question and from the case diary, it is also clear that there are evidence in the form of CDR linking the accused person to the crime. As such, at this stage if the accused person is enlarged on bail, there is every possibility that the investigation may be scuttled and also the accused person not being a permanent resident of the State, the possibility of his absconding and not cooperating with the investigating agency is very much apparent. Accordingly, it is prayed that the prayer made in this petition may be rejected.

5. This Court has heard the parties and has also perused the case diary. It is true that investigation has revealed the connection of the accused person in question with some of the main accused persons, and that he has also admitted to have facilitated transfer of money from the accused's account and also that he has also booked tickets for such accused person to allow them to travel by air and train.

6. Though this Court will not go into the merits of the case at this juncture, however prima facie it appears that there are findings to link the accused person with the other accused persons who are said to be the kingpin of such theft and burglary considering the fact that the case is still under investigation, it will not be proper for the accused person to be enlarged on bail at this juncture.



7. Accordingly, this petition is devoid of merit, the same is dismissed and disposed of.

Judge

Meghalaya
29.06.2026
"Tiprilynti-PS"