



Serial No. 01
Supplementary-I List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 50 of 2026

Date of Decision: 28.07.2026

Deepa Hazarika
 Aged about 50 years
 Wife of Dip Hazarika
 Resident of Zoo Narangi Road,
 Geetanagar, Chinakipath, P.S. Geetanagar,
 District Kamrup (M), Assam

..... **Petitioner**

- Vs -

The State of Meghalaya,
 Represented by the Public Prosecutor,
 Meghalaya.

..... **Opposite Party**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge.

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Chowdhury, Adv.
 Mr. H. Kalita, Adv.

For the Respondent(s) : Mr. K.P. Bhattacharjee, GA.
 Ms. S. Shyam, GA

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

JUDGMENT AND ORDER

1. Heard Mr. S. Chowdhury, learned counsel for the petitioner, who has submitted that this petition has been filed on behalf of the accused, Dip Hazarika,



for grant of bail in connection with Tura P.S. Case No. 83/2024 under Section 468/417/418/419/420 IPC.

2. The accused person was arrested on 12.06.2026 subsequent to filing of Tura P.S. Case No. 70/2026 under Section 336(2)(3)/318(4)/338/111(2)(b) BNS, 2023, and in fact, the accused person in question was later also shown arrest in three other cases, while he was still in custody, one of the cases being this instant case.

3. It is the contention of the learned counsel that the whole process of arrest and custodial incarceration of the accused person is a violation of the due process of law and the relevant provision of the Constitution of India as well as that of Section 35, BNSS, 2023. Thus, serious procedural lapses that bears on the fairness of the arrest has been occasioned.

4. The learned counsel has led this Court to Annexure- 8 (pg-29) of this petition, which is the forwarding memorandum filed by the Investigating Officer (IO) before the Chief Judicial Magistrate (CJM), West Garo Hills District, Tura, wherein on the right hand side corner in the upper portion of the said page is the space for signature of the Magistrate and on the last page on the left hand side there is also the portion where the Magistrate is to sign but the signature of the concern Magistrate/CJM is missing.

5. The learned counsel has further referred to Annexure-10 (pg-37) of this petition which is the checklist for justification of the arrest and at page-38 of the same at the bottom of the page under the heading “*justifications for*



arrest”, in the space indicated for such remarks the same is shown blank, on the next page, that is page-39 of the same again the portion where the Magistrate is to sign is also found blank. This, according to the learned counsel is a clear violation of what has been held and directed by the Supreme Court in the case of **Arnesh Kumar v. State of Bihar & Anr., (2014) 8 SCC 273**, para 7, 7.2, 11, 11.2, 11.3, 11.4, 11.7 & 12 and **Satender Kumar Antil v. Central Bureau of Investigation & Anr., (2022) 10 SCC 51**, para 23, 24 and 25.

6. In view of the above, the learned counsel has submitted that the cause of such serious procedural lapses affecting the fairness of the arrest of the accused person herein, therefore, a prayer is made for grant of bail with any conditions to be imposed by this Court, considering the fact that the accused person is a permanent resident of Guwahati, Assam and has no criminal antecedent, he is further committed to cooperate with the investigation and to appear before the IO as and when required.

7. Per contra, Mr. K. P. Bhattacharjee, learned GA appearing on behalf of the State respondent has submitted that the main contention of the learned counsel for the petitioner is the alleged non-compliance of the police/arresting authorities as far as the mandatory procedure in the filling up of the form wherein the checklist for justification of arrest is found. However, the learned GA has submitted that on perusal of the said checklist, it is seen that all the relevant portions have been filled up and as such, no prejudice was caused to the accused. Since the accused is aware of why he was arrested, therefore, it cannot be said



that his rights were violated. In this connection the case of **Shri. Ronaldo Khongwir v. The State of Meghalaya, BA No. 6 of 2026**, order dated 26.02.2026, para 13 was referred to in support of this contention.

8. This Court, after hearing the learned counsels for the parties on their respective grounds of contention and submission, has perused the petition in hand. As has been submitted by the learned counsel for the petitioner, it is indeed noted that the forms annexed at page-29 (Annexure-8) and page-37 (Annexure-10) of this petition does not bear the signature of the Magistrate concerned. However, it is also seen that pursuant to such formats being placed before the Magistrate, vide order dated 27.06.2026, the learned Magistrate had acknowledged the said formats as the same has been reflected in the said order found at paragraph 4 which reads as follows:

“On being asked, they further stated that they are aware of the reason of their arrest and that their family members have already been informed of their arrest and they also stated that they intend to engage their own counsel after consultation with their family members.”

9. When the reasons and the grounds for his arrest have been made known to the accused person in question, he cannot be said to have been prejudiced by the same. The case of Ronaldo Khongwir(supra) para 13 cited by the learned GA, which is an extraction the relevant paras of the case of State of Karnataka v. Sri Darshan, (2025) SCC OnLine SC 1702 can be made applicable to the case of the accused person in question and accordingly, no prejudice has been found to have been caused to the said accused person. Para 20.1.7 of the



said Darshan case is relevant for consideration of this matter, the same reads as follows:

“20.1.7. In the present case, the arrest memos and remand records clearly reflect that the respondents were aware of the reasons for their arrest. They were legally represented from the outset and applied for bail shortly after arrest, evidencing an immediate and informed understanding of the accusations. No material has been placed on record to establish that any prejudice was caused due to the alleged procedural lapse. In the absence of demonstrable prejudice, such as irregularity is, at best, a curable defect and cannot, by itself, warrant release on bail. As reiterated above, the High Court treated it as a determinative factor while overlooking the gravity of the charge under Section 302 IPC and the existence of a prima facie case. Its reliance on Pankaj Bansal and Prabir Purkayastha is misplaced, as those decisions turned on materially different facts and statutory contexts. The approach adopted here is inconsistent with the settled principle that procedural lapses in furnishing grounds of arrest, absent prejudice, do not ipso facto render custody illegal or entitle the accused to bail.”

10. In view of such a situation, this Court is not inclined to allow the prayer made in this petition, also taking into account the gravity of the offence said to have been committed by the accused person and the fact that a number of cases have been registered against him, even in the State of Assam, as has been submitted by the learned GA.

11. Petition is dismissed and disposed of. No costs.

Judge

Meghalaya
28.07.2026
“Tiprilynti-PS”