Item No. 1

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

AB No. 11 of 2020

(THROUGH VIDEO CONFERENCE)

1. Md. Yunus Ahmed, aged about 46 years old, S/o Md. Ahmed Ali, a resident of Yairipok Ningthounai Mayai Leikai, P.O. Yairipok & P.S. Andro, Imphal East District, Manipur.

2. Md. Rjak, aged about 38 years old, S/o Md. Ahmed Ali, a resident of Yairipok Ningthounai Mayai Leikai, P.O. Yairipok & P.S. Andro, Imphal East District, Manipur.

3. Md. Salim Ahamed, aged about 36 years old, S/o Md. Ahmed Ali, a resident of Yairipok Ningthounai Mayai Leikai, P.O. Yairipok & P.S. Andro, Imphal East District, Manipur.

4. Md. Nawas Ali, aged about 31 years old, S/o Md. Ahmed Ali, a resident of Yairipok Ningthounai Mayai Leikai, P.O. Yairipok & P.S. Andro, Imphal East District, Manipur.

... Petitioners

-Versus-

1. The Officer-in-charge, Women Police Station, Yairipok Police Station, P.O. Yairipok & P.S. Andro, Imphal East District, Manipur-795149.

2. The Officer-in-charge, Women Police Station, having its Office at Porompat Police Station Complex, P.O. & P.S. Porompat, Imphal East District, Manipur-795005.

... Official Respondents

BEFORE

HON'BLE MR. JUSTICE M.V. MURALIDARAN

For the petitioners	::	Mr. N. Jotendro, Sr. Advocate, Mr. Murtaza Ahmed, Advocate.
For the Respondents	::	Mr. Y. Ashang, PP.
Date of Hearing & Judgment & Order	::	**29.05.2020**

JUDGMENT AND ORDER
(ORAL)

[1] The petitioners who approached this Court seeking the prayer of bail by filing this petition by invoking the provision under section 438 Cr.P.C. for releasing the accused/present petitioners on bail in connection with the apprehension of an FIR under FIR No. 6(5) 20 WPS IE for the offences under section 325, 354, 120-B/506/34 IPC in the event of arrest made by the respondent police.

[2] Today, when the matter is taken up, I heard Mr. N. Jotendro, learned Senior counsel for the petitioners and Mr. Y. Ashang, learned PP and perused the papers and the FIR produced in the open Court.

[3] The case of the petitioner is that the first petitioner is the social worker, working closely with the Ex. Minister and has been working with him for many years and that in connection with the upcoming election of Andro A/C Election campaigned for both Th. Shyamkumar and other rivals has been going on throughout the

constituency. The other remaining 3(three) petitioners are all Government Employees, working under the Police Department.

[4] The second petitioner is Havildar working under Police Department and now posted at Thoubal, Manipur and the 3rd petitioner is working as Havildar and now posted at 7th IRB and the 4th petitioner is presently working as Constable and now posted at Chandel.

[5] It is the further case of the petitioners that on 10.05.2020 at about 09.00 p.m., few workers of Th. Shyamkumar and other rival group had some heated argument among themselves regarding the ensuing by-election and the argument lasted for few minutes and later on, it was put to an end by intervention of other members of the locality.

[6] The further case of the petitioners is that on the same day at about 10:30 p.m., after the incident of heated argument, few political workers led by Md. Nurul Amin of the rival political party gathered and attacked at the residence of the petitioners with lethal weapons, petrol and pelting stones etc.. That another worker namely Mrs. Rejiya Begum brought petrol and attempted to burn the petitioners houses. In the said incident occurred at the night, the whole locality was disturbed and as such some members of the locality tried to intervene but few of the workers were very aggressive and they were not ready to retreat and started pelting stones from different angles and due to the said pelting of stones the houses of the petitioners got damaged.

[7] It is the further case of the petitioners that on the next day few local people came to the house of the petitioners and told them that an FIR has been registered against the petitioners namely Yunus Ahmed, Md. Rajak, Md. Salim Ahamed and Md. Nawas Ali by one Mrs. Rejiya Begum to Women Police Station, Imbhal East on various wild allegations. On the other hand, the petitioner No. 1 also made a complaint to the Andro Police Station on 10.5.2020 against 4 (four) persons namely (1). Md. Nurul Amin (2). Md. Ayub Ali, (3). Mrs. Rejiya and (4). Md. Hanifa all are residents of Yairipok Ningthounai Idigah Road to take up necessary actions for attacking the petitioner No. 1 and his house and as a result of which the house of the petitioner No. 1 got damaged. In order to intervene the said pelting of stones by the aforesaid 4 (four) persons, the Police intervened by firing tear gas shells and the said mob was dispersed however, inspite of the examination made by the Andro Police Station simply an FIR has been registered being **FIR No. 28 (5) 2020 APS U/s 188/427/438/34 of IPC** however, no person has been arrested so far but the Police Personnel of Andro Police Station have already examined the damages caused to the Houses of the Petitioners.

[8] Based on the occurrence a complaint made by one Ms. Rejiya Begum and then a case has been registered in FIR No. 6(5) 20 WPS IE for the offences under Sections 325, 354, 120-B/506/34 IPC against these petitioners by the Respondent Police.

[9] Therefore, apprehending the arrest made by the Respondent Police based on the registration of the FIR, the petitioners were approached the Ld. Sessions Judge, IE and filed

an Anticipatory Bail Application being Misc. Cril (A.B.) No.33 of 2020 and the same was dismissed on 18.05.2020. Therefore, now the petitioners are approaching this Court and filed the present petition for Anticipatory Bail.

[10] The case of the Prosecution is that on the date of occurrence, the petitioners' group and the rival group had heated argument between them and also attempted to attack each other.

[11] Therefore, a complaint has been lodged before the Respondent Police and the stage of the case is pre-mature one and the investigation is going on.

[12] Therefore, at this stage, if the Anticipatory Bail is granted to the petitioners, definitely, the petitioners will intervene the interrogation and tamper the witnesses. Therefore, the Respondent Police through the Public Prosecutor, Mr. Y. Ashang is strongly opposing for granting Anticipatory Bail but, anyhow, Mr. Y. Ashang represented before this Court that if this Court will consider the Anticipatory Bail, any stringent condition may be imposed on the petitioners.

[13] On the other hand, Mr. N. Jotendro, learned Senior counsel represented that the petitioner Nos. 2 to 4 are working in the Police Department and they will never intervene in the investigation and tamper or hamper the witnesses.

[14] Therefore, the Ld. Sr. counsel represented that all the petitioners are ready to obey any condition imposed by this Court for granting Anticipatory Bail.

[15] I heard both sides and perused all the papers.

[16] Admittedly, there was a big quarrel between the petitioners' group and the other rival group on 10.05.2020 at about 9.00. p.m. but, it was reported before this Court that no one was injured in the said occurrence.

[17] Apart from this, it is the case of Mr. N. Jotendro, learned Senior counsel that they are all working in the Government Department and they are ready to co-operate with the investigation and they will never abscond or tamper the witnesses and the learned Senior counsel prayed for any stringent conditions may be imposed for granting Anticipatory Bail to the petitioners.

[18] The first petitioner admittedly is a Social Worker and other petitioner Nos.2 to 4 are working in the Police Department and they will never intervene in the investigation of the case or abscond or tamper the witnesses since the petitioners 2 to 4 are working in the Police Department.

[19] Apart from this, all the offences registered in this case are bailable offences except Section 354 of IPC. Therefore, if the Anticipatory Bail is granted, no prejudice will be caused to the Respondent Police.

[20] Hence, I am inclined to pass the following orders:

a) *The Anticipatory Bail Petition is allowed.*
b) *The petitioners are granted Anticipatory Bail with the condition that the petitioners should execute*

2(two) sureties like sum of Rs.10,000/- (Rupees ten thousand) each to the satisfaction of the Learned CJM, Imphal East.

c) *The petitioners are directed to report before the Respondent Police daily at 10.00 a.m. for 2(two) weeks without fail.*

d) *Thereafter, the petitioners are directed to report before the Respondent Police as and when required.*

e) *The petitioners are directed not to tamper or hamper the witnesses and they should co-operate with the investigation of the case by the Respondent Police.*

JUDGE

- Larson

WAIKHOM TONEN MEITEI

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