IN THE HIGH COURT OF MANIPUR
AT IMPHAL

AB No. 12 of 2020
(THROUGH VIDEO CONFERENCE)

Sagolshem Chaoren Singh, aged about 52 years S/o Late Sagolshem Dharmo Singh, resident of Andro Makha Leikai, Imphal East District, Manipur.

..... Petitioner

-Versus-

1. The State of Manipur through the Superintendent of Police, Imphal East District, Manipur.

2. The Officer-In-Charge, Andro Police Station, Imphal East District, Manipur

.....Respondents

With

AB No. 14 of 2020
(THROUGH VIDEO CONFERENCE)

Chingakham Shyamkishor, aged about 44 years, S/o Late Chingakham Mukta, a resident of Andro Sanapat, P.O. Yairipok, P.S. Andro, Imphal East District, Manipur PIN CODE: 795149.

..... Petitioner

-Versus-

1. The State of Manipur through the Superintendent of Police, Imphal East District, Manipur.

2. The Officer-In-Charge, Andro Police Station, Imphal East District, Manipur

.....Respondents

BEFORE
HON'BLE MR. JUSTICE M.V. MURALIDARAN

For the Petitioner	::	Mr. L. Sevananda Sharma, Advocate.
For the Respondents	::	Mr. Y. Ashang, PP
Date Hearing Date of Judgment & Order	::	**16.06.2020**

JUDGMENT AND ORDER
(ORAL)

The petitioners in AB No. 12 of 2020 and AB No. 14 of 2020 by namely, Sagolshem Chaoren Singh and Chingakham Shyamkishor Singh respectively were approached this Court for anticipatory bail in connection with FIR No. 30(05)2020 APS U/s 188/325/307/34 IPC and 25(1-C) Arms Act on the file of the Andro Police Station, Imphal East district for the offences under Section 188/325/307/34 IPC and Section 25(1-C) of the Arms Act.

2. It is further stated on the fateful day of 12.05.2020, the Informant in this case had lodged a report to the Officer-In-Charge, Andro Police Station alleging that he was assaulted by a group of people numbering around 10 to 12 persons led by one Lourembam Sanjoy Singh coming in two gypsy vehicles at a spot

known as Andro Khunou Nungyungbi Leikai and hence, the complainant sustained heavy injuries.

3. It is the further case of the petitioners that the complaint was politically motivated since the petitioners' group and the complainant's group are contesting the forthcoming bye-election and because of the Ex-MLA/Minister bye-election in the Andro Constituency and these petitioners and this informant are all political workers of the Ex-MLA/Minister. Therefore, on the influence of the person this FIR has been registered without any iota of truth.

4. The petitioners further stated that though the provision under Section 25(1-C) of the Arms Act was included in this FIR but nothing has been seized and no one injured in this case.

5. Though on the fateful day, the complainant's party attacked the petitioners and others and therefore, a private complaint has been filed in Cril. Misc. Case No. 4 of 2020 before the Ld. Judicial Magistrate, First Class, Imphal East for causing an investigation against the assault and kidnapping made by the complainant parties. Pursuant to the filing of the said complaint the Ld. Judicial Magistrate, First Class, Imphal East had issued a

direction on 28.05.2020 to the Officer-in-Charge, Andro Police Station to investigate and file a report before the Court concerned but nothing has been conducted by the Officer-in-Charge, Andro Police Station, Imphal East. On the other hand, on the influence of the complainant parties the present case has been lodged against the petitioners.

6. Based on the complaint given by the complainant the petitioners have filed anticipatory bail petition before the Ld. Sessions Judge, Imphal East and the said petitions were dismissed on the only ground that the provision under Section 25(1-C) of the Arms Act was included in this FIR and no anticipatory bail will be granted for this offence. Therefore, the present petitioners in both the Anticipatory Bail petitions approached this Court and filed this present two applications seeking anticipatory bail.

7. Mr. Y. Ashang, learned Public Prosecutor appeared on behalf of the Respondent police and represented that based on the complaint given by the informant on 14.05.2020, the present FIR has been registered against the accused/petitioner along with the other accused.

8. In the complaint itself, it is mentioned that on 12.05.2020 at 7.10 p.m. the persons numbering 10-12 led by L. Sanjoy Singh coming by two gypsy vehicles and they severely attacked the petitioners and due to the attack the complainants were sustained serious injuries and felt unconscious. Thereafter, he was taken to the JNIMS Hospital, Porompat and taking treatment till date as inpatient.

9. The complainant further alleged that the culprits carried deadly weapons like iron rod, iron handle, hockey stick etc. and at the same time, the leader of the said team tried to kill the complainant by using a gun(pistol) at the spot as set out in the complaint dated 14.05.2020 which was filed against these petitioners along with the other accused and the main accused in this case was arrested and remanded to the judicial custody.

10. The offences registered in this case are serious in nature particularly the offences under Section 307 of the IPC and Section 25(1-C) of the Arms Act and the other offences but the learned Public Prosecutor informed this Court that the alleged Lourembam Sanjoy Singh was discharged from the hospital.

11. When the matter is posted today for filing objection, the learned PP Mr. Ashang reported that due to the Covid-19 no

objection affidavit has been filed since the respondent police has not turned up whereas the learned PP has argued and strongly opposing for granting anticipatory bail on the ground that the offences registered under Section 25(1-C) of the Arms Act in this case no anticipatory bail will be granted.

12. The learned PP also informed this Court that the complainant in this case has sustained injuries and after taking treatment he was discharged from hospital. As per the allegation set out in the complaint, that the gun used by one of the accused is not recovered till date and therefore, the offences under Section 25(1-C) of the Arms Act was registered against this petitioner/accused.

13. On the other hand, the learned counsel for the petitioners in both the petitions prayed that the petitioners are ready to abide by any stringent conditions if any imposed by this Hon'ble Court and they will not hamper or tamper the witnesses and they are ready to cooperate with the investigation.

15. Therefore, considering the argument made by both the counsels as well as the records available before this Court, I am inclined to passed the following orders :

(a) both the anticipatory bail applications are allowed;

(b) petitioners are directed to execute two sureties for a like sum of Rs. 10,000/- each to the satisfaction of the learned Ld. Judicial Magistrate, First Class, Imphal East;

(c) the petitioners are directed to appear before the Respondent police daily at 10 a.m. for 2 (two) weeks;

(d) thereafter, the petitioners are directed to appear before the respondent police as and when required;

(e) the petitioners are directed not to hamper or tamper the witnesses and cooperate with the investigation without fail;

(f) if the petitioners are not cooperating with the investigation, it is open to the learned PP to approach this Court for cancellation of these Anticipatory Bail petitions.

JUDGE

FR/NFR

Sushil

WAIKHOM TONEN MEITEI

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