IN THE HIGH COURT OF MANIPUR
AT IMPHAL

A.B. No.13 of 2020

(Through Video Conference)

1. Shri Lourembam Gopen Singh, aged about 48 years, S/o L. Tomba Singh of Yairipok Yambem Mathak Leikai, P.O. Yairipok and P.S. Andro, District Imphal East, Manipur-795149.
2. Shri Lourembam Ibohanbi Singh, aged about 48 years, S/o (L) L. Babudhon Singh of Yairipok Yambem Mathak Leikai, P.O. Yairipok and P.S. Andro, District Imphal East, Manipur-795149.
3. Shri Maibam Tomba Singh, aged about 45 years, S/o Thoiba Singh of Yairipok Yambem Mathak Leikai, P.O. Yairipok and P.S. Andro, District Imphal East, Manipur-795149.

... Petitioners

- Versus -

1. The Officer-in-charge, Andro Police Station, having its Office at Andro Police Station Complex, P.O. Yairipok & P.S. Andro, Imphal East District, Manipur-795149.

... Respondent

For the petitioners : Mr. N, Jotendro, Sr. Adv.
For the respondent : Mr. Y. Ashang, Ld. PP.
Date of Hearing &
Judgment & Order : 16.06.2020

B E F O R E
HON'BLE MR. JUSTICE MV MURALIDARAN

16.06.2020

There are 3(three) petitioners who approached this Court and filed this A.B. No.13 of 2020 seeking anticipatory bail for the case registered against them in FIR No.18 (3) 2020 on the file of the Andro Police Station for the offences Under Sections 188/269/307/325/326/427/34 of IPC.

[2] The brief fact of the case is that the petitioners are the Social Workers of the Andro Assembly Constituency and are all the residents of Yairipok Yambem Mayai Leikai, Makha Leikai and Mathak Leikai respectively within the jurisdiction of Andro Police Station, Imphal East District, Manipur. Due to an assault committed by 8(eight) persons on 30.3.2020 at about 8:30 p.m at Nongpok Keithelmanbi within the Andro Police Station by 8(Eight) persons namely (1) Nameirakpam Biren Singh, S/o (L) N. Ibobi singh aged about 55 years,(2) Khumujam Kaka singh, aged about 52 years old, S/o Kh. Ibochou Singh (3) Chingsubam Joy Singh, aged about 43 years, s/o (L) Ch. Kunjaraj Singh, (4) Chingsubam Naresh Singh, aged about 32 years, S/o Ch. Pakchao singh, (5) Khumujam Santa singh, aged about 32

years old, s/o (L) Kh. Ningthemjao Singh, (6) Tensubam Nanao Singh, aged about 32 years old, s/o T. Kesho Singh,(7) Pukhrambam Nanao Singh, aged about 30 years old, s/o T. Ibopishak Singh and (8) Chingsumbam Sanjit Singh aged about 29 years old, s/o Ch. Jarma Singh, all are resident of Nongpok Keithelmanbi against 5 (five) persons namely (1) Pukhrambam Ibopishak singh aged about 54 years old, s/o P. Nityaichand, (2) Pukhrambam Aboi singh, aged about 26 years old, s/o P. Ibopishak Singh, (3) Thiyam Boboy singh, aged about 30 years old, s/o th. Nongyai Singh, (4) Thanjam Tomba Singh, aged about 28 years old, s/o Th. Ibomcha Singh and (5) Lourembam Manglemba Singh, aged about 28 years old, s/o L. Gouramani Singh and due to the said assault, the said 5(five) persons were injured at several parts of their bodies and rush to CHC, Yairipok and out of the 5(five) persons, 3(three) of them were further referred to RIMS Hospital, Lamphelpat, Imphal for their further treatment. On the way after returning from CHC, Yairipok again 7(seven) persons namely (1) Thingujam Rajendro Singh aged about 40 years old, s/o Th. Ibobi Singh (2) Laiprakpam Kaka Singh aged about 38 years old, s/o L. Papu Singh, (3) Soraisam Ningthem Singh,

aged about 40 years, s/o S. Thoiba singh, (4) Khumanthem Rajmani Singh aged about 30 years, s/o Kh. Jugeshor Singh, (5) Lourembam Joy Singh, aged about 30 years, s/o L. Mukta Sing, (6) Sanabam shyam Singh, aged about 35 years, s/o Inaobi and (7) Meihoubam Ranjit Singh, aged about 35 years, s/o M. Bheigha Singh were blocked the road at Yambem and there was a scuffle between the 2(two) groups and accordingly a complaint has been lodged on 31.3.2020 to the Officer-in-Charge, Andro Police Station, Imphal East, Manipur however, the OC, Andro Police Station failed to register any case in this regard as on date. On failing to take up the action by the O.C., Andro Police Station, the petitioners party further preferred a representation to the SP Imphal East on 1/4/2020 thereby praying for giving direction to the Investigation Officer/Officer-In-charge of the Andro Police Station to take serious investigate the matter and take up appropriate actions as per law. However, no action has been taken up till date.

[3] The petitioners further stated that instead of taking action against the above mentioned accused persons, the Officer-in-Charge, Andro Police Station has taken up the

complaint dated 30.03.2020 given by the complainant by namely Laiphrakpam Kaka Singh and Sanabam Shyam Singh of Yambem Mathak Leikai and trying to apprehend the present petitioners by registering the above referred FIR being FIR Case No.18 (3) 2020, Andro Police Station for the offence U/s 188/269/307/325/326/427/34 of IPC.

[4] Therefore, all the petitioners were approached the Ld. Sessions Court and filed Anticipatory Bail Application and the same was dismissed in respect of these 3(three) petitioners whereas the Ld. Sessions Judge, Imphal East allowed the anticipatory bail for the other 6(six) accused persons.

[5] The further case of the petitioners is that due to the rejection of the anticipatory bail application by the Ld. Sessions Judge, Imphal East, the Respondent Police are harassing these 3(three) petitioners and they are apprehending for arrest.

[6] After the rejection of the Anticipatory Bail Petition filed by these 3(three) petitioners, they approached this Court and filed the present Anticipatory Bail Application being A.B. No.13 of 2020 before this Court.

[7] The petitioners further stated that they are all innocent and the complainant, who was alleged to be injured in this case, was already discharged from the Hospital and the Respondent Police are continuously harassing these 3(three) petitioners for arrest. Therefore, they approached this Court seeking anticipatory bail and prayed this Court that they are ready to abide by any stringent condition imposed by this Court and also ready to co-operate with the investigation.

[8] Mr. Y. Ashang, Learned PP, who appears for the Respondent, is strongly objecting for granting anticipatory bail to these 3(three) petitioners since the offences registered against these petitioners are serious in nature, particularly, the offence U/S 307 of IPC was registered based on the attack made by these petitioners.

[9] Mr. Y. Ashang, Ld. PP further states that though these petitioners along with other accused persons were moved before the Ld. Sessions Judge, Imphal East by filing Anticipatory Bail Application in Cril.Misc.(Anticipatory Bail) Case No.23 of 2020 and based on the filing of the said Anticipatory Bail Application, on 30.05.2020, the Ld.

Sessions Judge, Imphal East granted anticipatory bail to the other 6(six) accused persons out of 9 petitioners, but these petitioners' Anticipatory Bail Application was dismissed.

[10] Based on the order dated 30.05.2020 passed in Cril.Misc.(Anticipatory Bail) Case No.23 of 2020 of the Ld. Sessions Judge, Imphal East, the other accused persons are regularly appearing before the Respondent Police and co-operating with the investigation.

[11] Therefore, based on the order dated 30.05.2020 passed in Cril.Misc.(Anticipatory Bail) Case No.23 of 2020, the Ld. Sessions Judge, Imphal considered the case of these petitioners' Anticipatory Bail Application and their involvement in the occurrence and hence, the Ld. Sessions Judge, Imphal East dismissed the anticipatory bail in respect of these 3(three) petitioners. Therefore, these petitioners are not entitled to any anticipatory bail. If the petitioners are released on anticipatory bail, they will abscond and tamper and hamper the witnesses.

[12] Therefore, Mr. Y. Ashang, Ld. PP is strongly opposing for granting anticipatory bail to these petitioners. It is made clear that due to the Covid-19, Mr. Y. Ashang, Ld.

PP reported that the Respondent Police have not turned up and he is unable to file his objection affidavit for this Anticipatory Bail Application.

[13] Therefore, based on the order dated 30.05.2020 passed by the Ld. Sessions Judge, Imphal East in Cril.Misc.(Anticipatory Bail) Case No.23 of 2020 and the available records, Mr. Y. Ashang, Ld. PP prayed this Court for dismissal of the present Anticipatory Bail Application.

[14] Today I heard both the counsels and perused the available records along with the order dated 30.05.2020 passed by the Ld. Sessions Judge, Imphal East in Cril.Misc.(Anticipatory Bail) Case No.23 of 2020.

[15] Admittedly, there are 9(nine) accused persons in this case and they approached the Ld. Sessions Judge, Imphal East for granting anticipatory bail by filing the Cril.Misc.(Anticipatory Bail) Case No.23 of 2020. Considering the case, the Ld. Sessions Judge, Imphal East granted anticipatory bail to the other 6(six) accused persons whereas the Anticipatory Bail Application for these present 3(three) accused persons were dismissed.

[16] When the matter is taken up today, Mr. Y. Ashang, Ld. PP informed this Court that the injured person was already discharged from the Hospital. Out of 9(nine) accused persons, the Ld. Sessions Judge, Imphal East granted anticipatory bail to the other 6(six) accused persons. Once the Ld. Sessions Judge, Imphal East granted anticipatory bail to the other 6(six) accused persons, out of 9(nine) accused persons, this Court viewed that these 3(three) petitioners are entitled for anticipatory bail and admittedly, the injured person was already discharged from the Hospital.

[17] Therefore, I am inclined to allow this Anticipatory Bail Application by passing the following orders:

a) the Anticipatory Bail Application is allowed;

b) the petitioners are directed to execute 2(two) sureties for a like sum of Rs. 10,000/- (Rupees ten thousand) each to the satisfaction of the Learned Sessions Judge, Imphal East;

c) the petitioners are directed to report before the Respondent Police daily at 10.00 a.m. for 2(two) weeks;

d) thereafter, the petitioners are directed to appear before the Respondent Police as and when they are required;

e) the petitioners are directed not to hamper or tamper the witnesses and co-operate with the investigation without fail.

f) if the petitioners are not co-operating with the investigation, it is open to the Learned PP to approach this Court for cancellation of this Anticipatory Bail Application.

JUDGE

- Larson

FR/NFR

WAIKHOM TONEN MEITEI

Digitally signed by WAIKHOM TONEN MEITEI
Date: 2020.06.19 13:57:06 +05'30'