Yumkham Rother
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Item No.26

IN THE HIGH COURT OF MANIPUR
AT IMPHAL
AB No.40 of 2020

Md. Khalil @ Jalil, aged about 50 years, S/o (L) Md. Abdur Rahman of Urup Mayai Leikai, P.O. Lilong, P.S. Irilbung, District-Imphal East, Manipur.

……. *Petitioner/s*

– Versus –

The Officer-in-Charge, Irilbung Police Station, Imphal East, Manipur.

…. *Respondent/s*

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

For the Petitioner	:	Mr. Rabi Khan, Advocate
For the Respondent	:	Mr. Y. Ashang, Ld. PP
Date of hearing & Judgment & Order	:	**23.11.2020**

JUDGMENT & ORDER
(ORAL)

The petitioner being an accused, accused No.1 in FIR No.36(09)2020-Irilbung Police Station, for the offence registered U/s 307/506/34-IPC, filed this petition seeking anticipatory bail in the event of his arrest in this case.

[2] The petitioner submitted that the prosecution case is that on 12.09.2020, one Ms. Nazima Begum of Urup Awang Leikai, Imphal has given a report before the Respondent Officer-in-Charge, Irilbung Police Station alleging that on 11.09.2020 at about 5:30 P.M., the de-facto complainant by profession Advocate, returned from her chamber located at Khuyathong Polem Leikai to her residence at Urup Awang Leikai, on the way to her residence from the chamber, there are 11 persons including this petitioner trying to kill the de-facto complainant by holding deadly weapons when she reached Urup High School. Immediately, the complainant was rescued by neighbours when she called for help and immediately, the respondent police were also informed and they reached in time.

[3] The further allegation of the complainant is that all these 11 accused including this petitioner were threatening the de-facto complainant to withdraw the RTI application filed by herself. If she failed to withdraw that RTI application, she will be killed by this petitioner along with the other 10 accused. This is the only allegation which was made out by the said complainant in the complaint against this petitioner alongwith 10 other accused.

[4] Based on the complaint given by the complainant, the respondent police registered the case in FIR No.36(09)2020-Irilbung Police Station for the offence under Section 307/506/34 of IPC and made an attempt to arrest this petitioner.

[5] The petitioner further states that the petitioner has never threatened the said complainant namely Ms. Nazima Begum at any point of time and moreover she is one of his local sisters. The said allegation was totally baseless and a concocted story. There is a political tussle in the locality regarding the allegations against the local self bodies since for the past 3-4 months and this petitioner had no role in the said political tussles. The petitioner further states that the complainant Ms. Nazima Begum was in favour of one side and she was misguided by few vested interested persons for the time being.

[6] Therefore, based on the registration of the FIR and the attempt made by the Respondent Police for arresting this petitioner, this petitioner has approached the Learned Sessions Judge, Imphal East, Manipur and filed 2(two) anticipatory bail applications which were dismissed on 14.09.2020 and later on 16.09.2020. Thereafter, the petitioner is approaching this Court. Therefore, the Learned

counsel who appears for the petitioner represented before this Court that it is purely a false case and no injury was caused on the said complainant Ms. Nazima Begum, but only to harass this petitioner, the false complaint has been given against this petitioner. Therefore, the Ld. counsel for the petitioner represented before this Court that he is ready to abide by any stringent condition imposed by this Hon'ble Court for releasing the petitioner by granting anticipatory bail.

[7] I also heard Mr. Y. Ashang, Ld. PP for the respondent.

[8] Admittedly, though no counter affidavit has been filed, but Mr. Y. Ashang, Ld. PP argued the case orally and argued the case that this petitioner along with the other 10 accused were threatened the complainant Ms. Nazima Begum openly and based on that the said complainant has given a complaint to the Respondent Police and the FIR was registered and the same is pending for investigation.

[9] Mr. Y. Ashang, Ld. PP also states that the petitioner has approached on 2 occasions before the Learned Sessions Judge, Imphal East and both the applications were dismissed since there is no merit for the petitioner's case for granting Anticipatory Bail.

[10] Therefore, Mr. Y. Ashang, Ld. PP is strongly objecting for granting anticipatory bail. Anyhow, if this Court is considered the anticipatory bail application filed by the petitioner, he prayed this Court by stringent condition may be imposed.

[11] Considering both sides' arguments, since it was alleged that there are 11 accused along with this petitioner who were threatened the complainant Ms. Nazima Begum, but there is no report from the Respondent Police that the complainant Ms. Nazima Begum has sustained any injury except the oral threatening by this petitioner along with the other 10 accused.

[12] The prosecution also has not made by serious objection.

[13] Considering the nature of the complaint and the alleged offence made out by the respondent police, I am inclined to consider the petitioner's case by granting anticipatory bail to the petitioner with the following conditions:-

a) this anticipatory bail petition is allowed;

b) the petitioner is released on anticipatory bail in the event of his arrest in FIR No.36(09)2020-

Irilbung Police Station, U/s 307/506/34-IPC, an execution of 2 sureties for the like sum of Rs.10,000/- (Rupees ten thousand) each to the satisfaction of the Learned Special Judge, Imphal East, Manipur;

c) the petitioner is directed to appear before the Respondent Police for 2(two) weeks daily at 10.00 A.M. Thereafter, as and when required by the Respondent Police.

d) the petitioner is directed to cooperate for the investigation.

[14] Registry is directed to issue this copy order to both parties to their whatsapp/e-mail

JUDGE

FR/NFR

-Larson