Serial No. 02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA No. 29 of 2020

Date of Decision: 04.12.2020

Shri. Almensh Sangma Vs. State of Meghalaya.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. K. Chisa, Adv. vice
Mr. M.F. Qureshi, Adv.

For the Respondent(s) : Mr. S. Sengupta, Addl. P.P.

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

ii) Whether approved for publication in press: Yes/No

1. Heard Ms. K. Chisa, learned counsel for the petitioner as well as Mr. S. Sengupta, learned Addl. P.P for the State respondent.

2. The learned Addl. P.P has submitted that the case diary and the status report could not be produced before this Court today due to some unavoidable circumstances. However, on being queried by this Court, the learned Addl. P.P has fairly submitted that it is in his knowledge that the charge sheet involving the petitioner herein being Tura Women P.S. Case No. 45 (08) of 2020 under Section 506 IPC read with Section 3 (a)/4 of the POCSO Act, 2012 has been filed on 01.12.2020 before the Court of the learned District and Sessions Judge, Tura.

3. It is also submitted that the petitioner herein was arrested sometime in the month of August, 2020, for which a stipulated period of 90(ninety) days for completion of the investigation has since passed.

4. Learned counsel for the petitioner submits that this application having

been filed before the said charge sheet was submitted before the concerned Court, the petitioner is entitled to default bail, which is hereby prayed for.

5. On consideration of the submission made, this Court is of the opinion that in the absence of the C.D and the status report, no effective order can be passed in this regard.

6. Be that as it may, the learned counsel for the petitioner has further made a submission that the petitioner may be allowed to withdraw this instant application and to approach the concerned Court with an application for default bail, in view of the circumstances as stated above.

7. This submission has not been strongly objected to by the learned Addl. P.P.

8. Viewed thus, this Court for ends of justice hereby concedes the prayer of the learned counsel for the petitioner.

9. This application is accordingly dismissed as withdrawn with liberty to the petitioner to approach the concerned Court with an application for default bail, which will be duly considered by the Court of the learned District and Sessions Judge, Tura as per statutory provisions.

10. With the above, matter is disposed of.

Judge

Meghalaya
04.12.2020
"D. Nary, PS"