
(1967) 01 GAU CK 0011
In the Gauhati High Court

Heikrujam Tombi Singh

APPELLANT

Vs

Government of Manipur

RESPONDENT

Date of Decision : 27-01-1967

Acts Referred:

Criminal Procedure Code, 1898 (CrPC) — Section 498

Citation : (1968) CriLJ 1088

Hon'ble Judges : C. Jagannadhacharyulu, J.C.

Bench : Single Bench

Judgement

C. Jagannadhacharyulu, J.C.

1. This a petition filed u/s 498 Cr.P.C. to release the petitioner on bail.
2. The case of the prosecution is that at about 12 in the midnight on or about 22.2.1966 a dacoity was committed in the house of Hoyan Koirang in Nurathem, that information was lodged at about 8.00 a.m. on the next day to the Officer-in-charge of Kangpokpi Police Station by one of the neighbours of Hoyan Koirang in which the name of the petitioner was mentioned and that on 25.2.1965 the petitioner was arrested. He has been kept in the Manipur State Jail ever since.
3. The petitioner filed Criminal Misc. Case No. 44 of 1966 in the Court of the Magistrate First Class, Manipur, for bail. But, it was rejected on 8.6.1966, Thereafter, he filed Criminal Misc. Case No. 276 of 1966 in the Sessions Court. It was dismissed on 7.1.1967. So, the petitioner filed the present petition.
4. The main ground on which the lower Courts rejected the petition of the petitioner is that his name was mentioned in the F.I.R. given by the neighbour of Hoyan Koirang. But, the case of the prosecution is that there were 5 more offenders. The Magistrate released on bail one of the accused (whose name was also mentioned in the F.I.R.) on the ground that in spite of repeated demand, the investigating officer did not file the case diary and reports into the Court. The same ground equally applies to the petitioner also.

5. Another ground urged by the learned Assistant Public Prosecutor in opposition of the Petition is that the petitioner absconded when he was wanted in another decoity case. But the learned Counsel for the petitioner stated that he did not abscond and that he was tried and acquitted. So, there is no substance in this contention of the Assistant Public Prosecutor.

6. It has to be mentioned that the petitioner was arrested on 25.2.1966. Nearly eleven months have elapsed and the trial has not yet begun. According to the Assistant Public Prosecutor the charge sheet was filed recently. The delay on the part of the Police Investigating Officer in filing the charge sheet so very late has to be condemned. Virtually, the petitioner has already suffered imprisonment for about 11 months without facing any trial. The Court should not encourage such lapses on the part of the investigating officers.

7. The petitioner is therefore, released on bail subject to the following conditions:

(i) Firstly, he must execute a bond for Rs. 3, 000/- with two sureties for a like sum to the satisfaction of the trying Magistrate I Class, Manipur.

(ii) Secondly, he must live in Manipur and attend the Magistrate's Court every day at 10.00 a.m. to 4 p.m. and should not leave Manipur.

(iii) Thirdly, he should not tamper with any witness. If he violates any one of the conditions, the bail will be cancelled.