
(2019) 06 MAN CK 0011
In the Manipur High Court
Case No : Anticipatory Bail (AB) No. 2 Of 2018

Laishram Sachidananda Singh And Others	APPELLANT
Vs	
State Of Manipur	RESPONDENT

Date of Decision : 07-06-2019

Acts Referred:

Indian Penal Code, 1860 — Section — Section 34, 325, 354, 384

Citation : (2019) 06 MAN CK 0011

Hon'ble Judges : M.V. Muralidaran, J

Bench : Single Bench

Advocate : B. Prem Sharma, Y.Ashang

Final Decision : Allowed

Judgement

MV Muralidaran, J

[1] Heard Mr. B. Prem Sharma, learned counsel for the petitioners and Mr. Y. Ashang, learned Public Prosecutor.

[2] The petitioner was an accused in FIR No.35 (11) 2017-WPS Thoubal Police before this Court.

[3] The case of the petitioners is that they were falsely implicated in the case and based on that the respondent police are searching these petitioners for arrest. Therefore, without any iota of truth in the complaint alleged by the complainant, the respondent police searching these petitioners for arrest. Therefore, they prayed for anticipatory bail before this Court.

[4] Today, when the matter is taken up, I have heard Mr. B. Prem Sharma, learned counsel for the petitioner and Mr. Y. Ashang, learned Public Prosecutor and perused the record.

[5] It is the case of the prosecution that the complainant namely Ningombam(N) Laishram (O) Helen Devi (38 year) has lodged a written complaint on 25.11.2017 at 3:00 pm to the respondent police by alleging that on 23.11.2017 at about

3:30 p.m, the complainant was assaulted by four accused persons namely, (1) Laishram Sachidananda Singh (2) Laishram Birjit Singh (3) Laishram Bangkim Singh and (4) Maibam England Singh by kicking, slapping by using bamboo stick at Waikhong Bazar when the complainant tried to stop the marriage ceremony of her husband namely, Mr. Laishram Sachidananda Singh with another woman by showing Court orders.

[6] Pursuant to the above attack made by accused persons, the complainant sustained severe injuries and taken the treatment at Iboyaima Hospital and Research Center, Singjamei. During the course of committing the offence not only the accused persons attacked the complainant but they also taken away a sum of Rs. 8000/- (Eight thousand) from the bag carrying by the complainant.

[7] Therefore, pursuant to the above complaint, a case has been registered against these petitioners along with the other accused for the offences under Section 325/354/384/34 IPC.

[8] The prosecution further states that during the course of investigation of the case, the respondent police examined the complainant namely Ningombam (N) Laishram (O) Helen Devi who fully corroborated with OE of the case lodged by her. Thereafter, the respondent police visited the spot and inspected the P.O very carefully and minutely and prepared a sketch map by showing its relevant index. While spot inspection was made no incriminating article was found from the spot.

[9] The prosecution also states that when the accused persons were interrogated one after another very carefully and minutely, the accused persons admitted the charges levelled against them. They further disclosed that they had beaten up the complainant by using bamboo sticks and the offence weapons are not yet to be recovered. Therefore, if the anticipatory bail is granted, the accused persons will be absconding and tampering the witnesses. Therefore, the prosecution has strongly opposed for granting anticipatory bail to these petitioners.

[10] Admittedly, there was an FIR registered against these petitioner based on the complaint given by the complainant on 25.11.2017 by stating that the occurrence took place before two days i.e. on 23.11.2017 at around 3:30 Pm. If the offence was really committed by the accused persons why the complainant has not given the complaint immediately on the same day when the occurrence took place on 23.11.2017 at around 3:30 Pm or on the next day. But she kept quiet for two days thereafter only she had given the complaint on 25.11.2017 at around 3:30 pm. Apart from this, entire investigation was completed which was reported by the respondent police, in fact, the complainant herself was attacked by the accused persons with bamboo sticks.

[11] For the objection filed by the respondent police, the petitioners also filed rejoinder affidavit dated 1.10.2018 by denying the charges. Though the other 2(two) accused were arrested and granted bail by the Sessions Court whereas these petitioners apprehending the arrest by the respondents police. Therefore, the petitioners made out their cases before this Court and hence, I am inclined to

grant anticipatory bail to these petitioners and passing the following orders:-

- (a) The anticipatory bail petition is allowed.
- (b) The petitioners are directed to be released on anticipatory bail by producing two sureties like sum of Rs. 25,000/-(twenty five thousand) each to the satisfaction of the CJM, Thoubal.
- (c) The petitioners are directed to report before the respondent police daily at 10:30 AM until further order.
- (d) The petitioners are directed not to tamper and hamper the witnesses or documents.