

(2025) 02 MEG CK 0958
In the Meghalaya High Court
Case No : Anticipatory Bail No. 4, 5 Of 2025

Rahul Sharma & Ors.

APPELLANT

Vs

State Of Meghalaya & Anr.

RESPONDENT

Date of Decision : 12-02-2025

Acts Referred:

India Penal Code, 1860 — Section 34, 120B, 381, 408, 417, 418, 420
Bharatiya Nagarik Suraksha (BNSS), 2023 — Section 35(3)

Citation : (2025) 02 MEG CK 0958

Hon'ble Judges : W. Diengdoh, J

Bench : Single Bench

Advocate : Dr. N. Mozika, Philemon Nongbri, M. Myrchiang, R. Pahsyntiew, K. Khan, S. Sengupta, H. Kharmih, P. Bhattacharjee

Judgement

W. Diengdoh, J

Heard Dr. N. Mozika, learned Sr. counsel assisted by Mr. Philemon Nongbri, learned counsel for the petitioners, who has submitted that an FIR dated 09.07.2024 followed by a supplementary FIR dated 17.07.2024 was lodged by the respondent No. 2/complainant with specific allegation against the petitioners, who are the accused person herein. It is the submission of the learned Sr. counsel that the FIR being registered as Khanapara P.S. Case No. 25 (7) 2024 under Section 381/408/120B/417/418/420/34 IPC, would reveal that all the sections carries penalty of 7 years or so, and as such, it is incumbent upon the Investigating Officer to have firstly issued notice under Section 35(3) of the Bharatiya Nagarik Suraksha (BNSS), 2023, however, no such notice has been received by the petitioners/accused.

In any case, since the petitioners/accused are apprehending imminent arrest, this Court has been approached with a prayer for grant of anticipatory bail, if not immediately granted, prayer for interim bail is made herein.

Mr. K. Khan, learned PP assisted by Mr. S. Sengupta and Mr. H. Kharmih, learned

Addl. PP has accepted notice on behalf of the State respondent No. 1 and Ms. P. Bhattacharjee, learned counsel has accepted notice on behalf of the respondent No. 2. The learned counsel for the respondent No. 2 has sought for time to file the necessary powers and to seek necessary instructions.

This Court on perusal of the FIR and the papers submitted herein, is in agreement with the submission of the learned PP that the Investigating Officer be directed to file copy of the case diary and the latest status report. Without going into the merits of the case, the prosecution is therefore directed to produce copy of the case diary along with the latest status report of the Investigating Officer on the next date fixed.

Considering the facts and circumstances as has been revealed herein, this Court is not inclined to issue any interim order at this stage.

List this matter on 14.02.2025.