

(2025) 02 MEG CK 0977
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 : 18-02-2025

Acts Referred:

Bhartiya Nyaya Sanhita, 2023 — Section 3(5), 61(2)(b), 351(2)(3)
Protection Of Children From Sexual Offences Act, 2012 — Section 18

Citation : (2025) 02 MEG CK 0977

Hon'ble Judges : W. Diengdoh, J

Bench : Single Bench

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

Judgement

W. Diengdoh, J

1. Heard Dr. N. Mozika, learned Sr. counsel assisted by Mr. Philemon Nongbri, learned counsel for the petitioners, who has submitted that the petitioner No. 2, in compliance with this Court's order, had appeared before the Investigating Officer at Khanapara Police Station, Ri-Bhoi District, Nongpoh on 16.02.2025, wherein he was accompanied by two Advocates, namely, Shri. Bishwapal Singh from Delhi and another Advocate from Jaipur.

2. The learned Sr. counsel has further submitted that instead of dealing with the petitioner No. 2 as far as the Khanapara P.S. Case is concerned, they were detained at the police station apparently for no reason till evening of the same day, with their mobile phones being taken away from them. In course of the day, some police officers from Tura police station appeared at the Khanapara police station, informing the petitioner No. 2 that he is detained in connection with Women P.S. Case No. 08 of 2025 under Section 351(2)(3)/79/61(2)(b)/3(5) BNS read with Section 18 POCSO Act, and accordingly, he was taken to Tura and thereafter, was detained at a hotel. The learned Sr. counsel also submits that the petitioner No. 2, on being detained at the said hotel, has not yet been produced

before any Magistrate inspite of 24 hours having lapsed since then.

3. It is also the further submission of the learned Sr. counsel that the hotel bill was made to be paid by the daughter of the petitioner No. 2 and that a sum of ₹ 10 crores was demanded by the police officer from the petitioner No. 1, who is the son of the petitioner No. 2 to settle the matter.

4. This chain of events is nothing, but an attempt to implicate the petitioner No. 2 by any means as far as the allegations made against him are concerned where FIR has been filed in three police stations i.e. at Tura, Baghmara and Khanapara. No communication with the petitioner No. 2 was allowed to be made, and thereby, at this point of time, the family members of the petitioner No. 2 are not able to contact him or to take any steps in this regard. It is prayed that this Court may take judicial notice of the statement made herein.

5. Mr. K. Khan, learned PP assisted by Mr. S. Sengupta, learned Addl. PP on behalf of the State respondent has submitted that the allegations made, if proved to be correct, are very serious and, would impact the conduct and integrity of the police force at large and the particular police officers in question. It is therefore prayed that the petitioner No. 2 may be allowed to file an affidavit in this regard for the prosecution to respond to the same.

6. Ms. P. Bhattacharjee, learned counsel for the respondent No. 2/complainant has produced copy of the FIR dated 15.02.2025, under which the petitioner No. 2 was arrested by the Tura police. It is the submission of the learned counsel that the FIR was lodged by one of the witnesses in the case against the petitioners, and who was subsequently threatened even to the extent that his (the witness's daughter) will be kidnapped. Hence, the FIR and the subsequent arrest.

7. This Court has carefully considered the submission made by the parties as far as the related anticipatory bail applications are concerned, though, the learned PP had submitted that a status report filed by the Investigating Officer, would reflect that till 14.02.2025, the petitioner No. 2 has not yet appeared before the Investigating Officer, however, in the light of the submission made by the learned Sr. counsel for the petitioners that the petitioner No. 2 had appeared before the Investigating Officer on 16.02.2025 at the Khanapara police station, therefore, the same cannot be denied.

8. The learned PP has also submitted that as to the other part of the allegation made by the petitioner No. 2 through the learned Sr. counsel, it would be incumbent upon the petitioner No. 2 to pursue a separate course of action as far as such allegations are concerned to allow proper inquiry and a response by the police.

9. This Court is in agreement with the submission made by the learned PP, however, whatever has been submitted at the bar cannot be discarded or brushed aside, considering the seriousness of the allegations made. The situation has taken a serious turn, inasmuch as, firstly, the liberty of the petitioner No. 2

has been compromised, and secondly, serious breach of conduct and even illegal action supposedly perpetrated by police officials has been alleged, which requires thorough inquiry. Therefore, even while allowing the petitioner No. 2 to chart out his own course of action, this Court hereby direct the Superintendent of Police, Ri-Bhoi District, Nongpoh to file a comprehensive report as to what exactly transpired at the Khanapara police station on 16.02.2025.

10. As to the submission made by the learned counsel for the respondent No. 2, this Court would question the bonafide of such statement, inasmuch as, the respondent No. 2 has no say in the conduct and course or proceedings of the investigation, and it is strange to know that a copy of an FIR not related to her, was produced before this Court. If not clarified in future, this Court, would take due note of such conduct and necessary observations or action may be taken against the respondent No. 2, if so warranted.

11. Be that as it may, in the light of the grave situation as has been portrayed by the petitioner No. 2, this Court further direct the Superintendent of Police, West Garo Hills District, Tura to look into the matter of the alleged detention of the petitioner No. 2 at the said hotel and the circumstances surrounding such situation and to file a detailed report before this Court on the next date fixed.

12. List this matter on 24.02.2025 for further hearing.

13. In the meantime, the interim relief given to the petitioners is hereby extended till further orders.

14. Let copy of this order be issued upon the Superintendent of Police, Ri-Bhoi District, Nongpoh as well as to the Superintendent of Police, West Garo Hills District, Tura for compliance.