

**BEFORE**  
**HON'BLE MR JUSTICE SR SEN**  
**AB.No. 22 of 2014**

**08.08.2014**

Heard Mr. A.H. Hazarika, learned counsel appearing for and on behalf of the petitioners in both AB. No. 22 of 2014 and AB. No. 23 of 2014. The learned counsel, Mr. A.H. Hazarika argued that after missing of the deceased victim, no FIR was lodged. Besides that, the FIR was lodged after sometime. Therefore, there is a presumption that the accused persons are not involved in the case, so his prayer may be granted.

On the other hand, Mr. R. Gurung, the learned counsel appearing for and on behalf of the State, objected the bail application and also placed the C.D before me.

I have perused the C.D carefully and after gathering the information from the said C.D, I am of the considered view that this is not a fit case where pre-arrest bail may be considered. In such type of cases, if pre-arrest bail is considered, I am sure that the investigating will suffer, which will cause definite injustice to the society in general and the victim in particular. Moreover, in my view, if pre-arrest bail is granted under the facts and circumstances of the case, criminal justice judicial system is bound to collapse. Therefore, I am not inclined to consider the bail application. Hence, both the bail applications No. 22 of 2014 and 23 of 2014 since arise out of the same FIR are rejected.

Court Master is directed to return back the C.D to the learned State counsel along with a copy of this order.

Accordingly, the matter stands disposed of.

**JUDGE**

*D. Nary*

**BEFORE**  
**HON'BLE MR JUSTICE SR SEN**  
**AB.No. 23 of 2014**

**08.08.2014**

Heard Mr. A.H. Hazarika, learned counsel appearing for and on behalf of the petitioners in both AB. No. 22 of 2014 and AB. No. 23 of 2014. The learned counsel, Mr. A.H. Hazarika argued that after missing of the deceased victim, no FIR was lodged. Besides that, the FIR was lodged after sometime. Therefore, there is a presumption that the accused persons are not involved in the case, so his prayer may be granted.

On the other hand, Mr. R. Gurung, the learned counsel appearing for and on behalf of the State, objected the bail application and also placed the C.D before me.

I have perused the C.D carefully and after gathering the information from the said C.D, I am of the considered view that this is not a fit case where pre-arrest bail may be considered. In such type of cases, if pre-arrest bail is considered, I am sure that the investigating will suffer, which will cause definite injustice to the society in general and the victim in particular. Moreover, in my view, if pre-arrest bail is granted under the facts and circumstances of the case, criminal justice system is bound to collapse. Therefore, I am not inclined to consider the bail application. Hence, both the bail applications No. 22 of 2014 and 23 of 2014 since arise out of the same FIR are rejected.

Court Master is directed to return back the C.D to the learned State counsel along with a copy of this order.

Accordingly, the matter stands disposed of.

**JUDGE**

*D. Nary*

**BEFORE**  
**HON'BLE MR JUSTICE SR SEN**  
**BA. No. 27 of 2014**

**08.08.2014**

The matter came up for hearing, but could not be taken up today as the Lower Court case record has not been received.

Court Master informed that the case record could not be called for as the case number of the Lower Court case record has not been mentioned.

The learned counsel for the petitioner, Mr. P.T. Sangma as well as the learned State counsel, Mr. J.M. Thangkhiew submits that the case is pending before the learned District and Sessions Judge, Nongpoh bearing G.R. Case No. 321 of 2013.

Registry is directed to call for the Lower Court case record immediately from the learned court below.

List this matter after 10(ten) days.

**JUDGE**

*D. Nary*

**BEFORE  
HON'BLE MR JUSTICE SR SEN  
CRL.M.C. No. 9 of 2014**

**08.08.2014**

In the light of the order passed in ***CRL.PETN. No. 16 of 2014*** this instant Misc. Case also stands disposed of.

**JUDGE**

***D. Nary***

**BEFORE**  
**HON'BLE MR JUSTICE SR SEN**  
**CRL.PETN. No. 7 of 2014**

**08.08.2014**

Heard Mr. R. Jha, learned counsel for the petitioner as well as the learned State counsel, Mr. R. Gurung.

Both the learned counsels suggested that the matter may be taken up for hearing on Wednesday i.e. 13.08.2014.

From record it appears that the Lower Court case record has been received.

List this matter on **13.08.2014** for hearing.

**JUDGE**

*D. Nary*

**BEFORE**  
**HON'BLE MR JUSTICE SR SEN**  
**CRL.PETN. No. 15 of 2014**

**08.08.2014**

Heard Mr. R. Sahu, learned counsel for the petitioner.

Issue notice to the respondent.

Petitioner's counsel to take necessary steps to serve the notice upon the respondent within 3(three) days.

Notice is made returnable within 2(two) weeks.

Registry is directed to call for the case record bearing C.R. Case No. 196 (A) 2014.

List this matter after 2(two) weeks.

**JUDGE**

*D. Nary*

**BEFORE**  
**HON'BLE MR JUSTICE SR SEN**  
**CRL.PETN. No. 16 of 2014**

**08.08.2014**

Heard Mr. P.K. Roy Choudhury, learned counsel appearing for and on behalf of the petitioner, who submits that, as per the direction of this court, the accused person may appear before the Additional Sessions Judge, Shillong; who issued NBWA and fixed 14.08.2014.

The learned counsel further argued that on the date fixed i.e. 28.07.2014 the accused person could not appear to obtain the bail due to some personal difficulties as he resides in Lumding, Assam and assured this court that the accused is ready to appear before the Additional Sessions Judge, Shillong on 26.08.2014.

Also heard the learned Sr. counsel for the State, Mr. N.D. Chullai.

I have perused the order dated 02.07.2014 in Crl. Petn. No. 10 of 2014 passed by this court as well as the order dated 28.07.2014 passed by the Additional Sessions Judge, Shillong. On perusal of the impugned order dated 28.07.2014 passed by the Additional Sessions Judge, Shillong it appears that NBWA has been issued and the matter was fixed on 14.08.2014 for S/R.

Considering the submission advanced by the learned counsel for the petitioner and assurance given by him, the order dated 28.07.2014 is hereby set aside with a direction to the petitioner to appear on the date he has assured to appear before the Additional Sessions Judge, Shillong. While considering the bail application of the petitioner, surety may be considered in terms of Cash Deposit or Fixed Deposit as petitioner's counsel further submits that he has no local bailor at Shillong and the accused/father himself is a Government employee.

The learned Additional Sessions Judge, Shillong is directed to recall the NBWA immediately.

Registry is directed to send a copy of this order to the learned Additional Sessions Judge, Shillong for compliance.

With this observation and direction, this instant Crl. Petition stands disposed of.

**JUDGE**

*D. Nary*

**BEFORE**  
**HON'BLE MR JUSTICE SR SEN**  
**WP(C) No. 114 of 2008**

**08.08.2014**

This instant case has been placed today only.

Heard Mr. P.K. Borah, learned counsel for the petitioner as well as Mr. S.C. Shyam, learned Sr. counsel for the respondent.

Both the learned counsels submit that the pleadings are complete. So, the matter may be posted for final hearing on 21.08.2014.

Accordingly, list this matter on **21.08.2014**.

**JUDGE**

*D. Nary*