

10.02.2014

HON'BLE THE CHIEF JUSTICE

Shri N Kher, Advocate, present for the applicant.

Shri ND Chullai, Senior GA, present for the respondents.

Heard.

By means of this application moved under Section 438 of Code of Criminal Procedure, 1973, the applicant has sought anticipatory bail in Mawryngkneng PS Case No. 10(11) of 2013 relating to offence punishable under Section 392 IPC.

The First Information Report discloses that some iron scraps, brass scraps, aluminum scraps loaded in the truck said to have been found missing.

Learned counsel for the applicant submitted that the applicant is a small businessman. It is pointed out that earlier the applicant was granted interim order pre-arrest bail in favour of the applicant and during said period, the applicant appeared before the Investigating Officer on as many as fourteen dates i.e. 03.01.2014, 04.01.2014, 06.01.2014, 07.01.2014, 08.01.2014, 09.01.2014, 10.01.2014, 15.01.2014, 16.01.2014, 17.01.2014, 21.01.2014, 22.01.2014, 23.01.2014 and 24.01.2014. He was interrogated on said dates but nothing incriminating is found against him. It is pointed out that similarly situated other co-accused Shri Ekwin Pala was granted anticipatory bail by the learned Sessions Judge. The other accused, namely, Jawaharlal Sinha and Claipson Marak were granted bail by the Judicial Magistrate. It is further submitted that the learned Sessions Judge declined anticipatory bail to the present applicant even though the Prosecuting Officer stated before the said Court that he has no objection if the pre-arrest bail granted applicant is made absolute.

The only reason due to which learned Sessions Judge appears to have rejected the anticipatory bail of

the present applicant is that he belongs to Guwahati (Assam) and not Meghalaya.

Having considered the submissions of the learned counsel for the parties and after going through the papers and records, this anticipatory bail is disposed of with a direction that the applicant Nilesh Mathur Aka Nilu Mathur shall be released on anticipatory bail on his arrest/or making surrender before the Court on executing a PR bond of Rs. 25,000/-, and furnishing two sureties each of the like amount provided he undertakes to comply with the following directions:-

1. he shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the court or to any police officer.
2. he shall not interfere with the on going investigation in any manner whatsoever
3. he will cooperate with the Investigating Authority as and when his cooperation is sought for.

CHIEF JUSTICE

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10.02.14

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HON'BLE THE CHIEF JUSTICE

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Shri ND Chullai, Senior GA, present for the respondents.

Heard.

By means of this application moved under Section 438 of Code of Criminal Procedure, 1973, the applicant has sought anticipatory bail in Mawryngkneng PS Case No. 10(11) of 2013 relating to offence punishable under Section 392 IPC.

Learned counsel for the applicant submitted that during the pre-arrest bail granted by the learned Sessions Judge, the applicant cooperated with the Investigating Agency and presented himself on number of dates i.e. 29.12.2013, 30.12.2013, 02.01.2014, 03.01.2014, 04.01.2014, 06.01.2014, 07.01.2014, 08.01.2014, 09.01.2014, 10.01.2014, 15.01.2014, 16.01.2014, 17.01.2014 and 02.01.2014 for interrogation. He further pointed out that the similarly situated co-accused Shri Ekwin Pala has already been granted anticipatory bail by the learned Sessions Judge.

It has been further pointed out that nothing incriminating is found against the present applicant. It has pointed out that the applicant's application is rejected even though the Prosecuting Officer also did not object to the granting of anticipatory bail to the present applicant. There is no recovery from the applicant.

Having heard the learned counsel for the parties and after going through the papers and records without expressing any opinion on the merits of the case, this Court is of the view that the present application deserves to be allowed.

Accordingly, the anticipatory bail is allowed. The applicant shall be released on bail on executing a PR bond of Rs. 25,000/- furnishing two sureties of the like amount to the satisfaction of the authority concerned on his surrender/arrest provided he undertakes to comply with the following directions:-

1. he shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the court or to any police officer.
2. he shall not interfere with the on going investigation in any manner whatsoever
3. he will cooperate with the Investigating Authority as and when his cooperation is sought for.

CHIEF JUSTICE

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10.02.14

MC No. 230 of 2013
IN WP(C) No.194 of 2013

10.02.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 194 of 2013
after two weeks.

CHIEF JUSTICE

dev
10.02.14

MC No. 408 of 13
IN WP(C) No.376 of 2013

10.02.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 376 of 2013
after two weeks.

CHIEF JUSTICE

dev
10.02.14

WP(CrI) No.14 of 2013

10.02.2014

HON'BLE THE CHIEF JUSTICE

Shri SP Mahanta, Advocate, present for the petitioner.

Shri K Khan, Addl. Senior GA, present for the State/respondents.

Counter affidavit has been filed by respondent No. 4 District Magistrate, West Khasi Hills District, Nongstoin, Meghalaya. Same be taken on record.

Learned counsel for the petitioner prays for and is allowed two weeks' time to file rejoinder affidavit to the counter affidavit filed on behalf of respondent No. 4.

List after two weeks. Meanwhile, other respondents are allowed to file their counter affidavits apprising the Court about the fate of the representation made by the petitioner. Record of the case may also be produced to show the petitioner's involvement in the incident alleged in the detention order.

CHIEF JUSTICE

dev
10.02.14

WP(C) No.133 of 2013

10.02.2014

HON'BLE THE CHIEF JUSTICE

Ms QB Lamare, Advocate, present for the petitioner.

Shri R Deb Nath, CGC, present for the respondents No.
1 to 4.

Learned counsel for the petitioner prays for and is
allowed three weeks' time to file rejoinder affidavit.

List after three weeks.

CHIEF JUSTICE

dev
10.02.14

WP(C) No.194 of 2013

10.02.2014

HON'BLE THE CHIEF JUSTICE

Ms R Dhar, Advocate, present for the petitioner.

Shri P Nongbri, Advocate, present for the respondent
No. 1.

Affidavit-in-opposition has been filed on behalf of
respondent No. 1. Same be taken on record.

Learned counsel for the petitioner prays for and is
allowed two weeks' time to file rejoinder affidavit.

List after two weeks.

CHIEF JUSTICE

dev
10.02.14

WP(C) No.283 of 2013

10.02.2014

HON'BLE THE CHIEF JUSTICE

Ms QB Lamare, Advocate, present for the petitioner.

Shri KP Bhattacharjee, Advocate, present for the respondents.

Learned counsel for the respondents prays for and is allowed further four weeks' time to file counter affidavit.

List after four weeks.

CHIEF JUSTICE

dev
10.02.14

WP(C) No.313 of 2011

10.02.2014

HON'BLE THE CHIEF JUSTICE

None present for the writ petitioner.

Shri K Khan, Addl. Senior GA, present for the respondents.

This writ petition is dismissed for non-prosecution.

CHIEF JUSTICE

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10.02.14

WP(C) No.340 of 2013

10.02.2014

HON'BLE THE CHIEF JUSTICE

List this writ petition along with WP(C)No. 381 of 2013
after four weeks.

CHIEF JUSTICE

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10.02.14

WP(C) No.367 of 2013

10.02.2014

HON'BLE THE CHIEF JUSTICE

List this writ petition along with WP(C)No. 381 of 2013
after four weeks.

CHIEF JUSTICE

dev
10.02.14

WP(C) No.368 of 2013

10.02.2014

HON'BLE THE CHIEF JUSTICE

List this writ petition along with WP(C)No. 381 of 2013
after four weeks.

CHIEF JUSTICE

dev
10.02.14

WP(C) No.376 of 2013

10.02.2014

HON'BLE THE CHIEF JUSTICE

Shri S Chackraborty, Advocate, present for the petitioner.

Shri CH Mawlong, Advocate, present for respondent No. 4.

Shri P Nongbri, Advocate, present for respondent No. 6

Learned counsel for the respondents pray for and are allowed four weeks' time to file counter affidavits.

List after four weeks. Meanwhile, interim order dated 17.12.2013 is extended till the next date of listing.

CHIEF JUSTICE

dev
10.02.14

WP(C) No.381 of 2013

10.02.2014

HON'BLE THE CHIEF JUSTICE

Ms SG Momin, Advocate, present for the petitioner.

Shri ND Chullai, Senior GA, present for the respondents.

Learned counsel for the respondents prays for and is allowed further four weeks' time to file counter affidavit.

List after four weeks along with other connected writ petitions.

CHIEF JUSTICE

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10.02.14