

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
B.A. No. 45 of 2014

17.10.2014

Heard Mr. S. Munir, learned counsel appearing for and on behalf of the petitioner/accused, who submits that the accused person, Md. Tariful Ali @ Islam is not directly involved in breaking or looting the ATM as he is a mechanic. He has just help the prime accused to cut the machine, but did not loot the money from the ATM and whatever he has done, he has done on the threat of the prime accused and prays that he may be allowed to go on bail as he has already been in custody for the last 37(thirty seven) days.

On the other hand, Mr. N.D. Chullai, learned Sr. GA appearing for the State strongly objected the bail and submits that the whole plan of looting the ATM was made at the jail premises. It is also further submitted that the prime accused are yet to be arrested. Mr. N.D. Chullai, learned Sr. GA also submits that, if the bail application is allowed in such a case, there is every possibility that the petitioner may go back to the same trade.

After considering the rival submission made by Mr. S. Munir, learned counsel appearing for the petitioner and Mr. N.D. Chullai, learned Sr. GA appearing for the State, I am of the opinion that the matter is serious and the accused is in custody only for the last 37(thirty seven) days and to release him may hamper the investigation. Hence, at this juncture, I am not inclined to interfere with the bail application. Hence, bail application is rejected as it is too premature.

The learned counsel appearing for the petitioner also submits that the petitioner/accused is a TB patient and lodging at present in District Jail, Shillong.

The Superintendent of Police, District Jail, Shillong is directed to provide all the necessary medical facilities to the accused person as and when required.

Court Master to return the C.D to Mr. N.D. Chullai, learned Sr. GA for the State.

Registry is directed to forward a copy of this order immediately to the Superintendent of District Jail, Shillong.

With this observation and direction, the bail application stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRL.REV.P. No. 9 of 2014

17.10.2014

Heard Ms. S.A. Pandit, learned counsel appearing for the petitioner, who sought 2(two) weeks' time on the ground that the leading counsel, Mr. A.S. Siddiqui is out of station.

Mr. K. Paul, learned counsel appearing for the respondent is present.

List this matter after 2(two) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
EL.PET. No. 1 of 2013

17.10.2014

Mr. K. Paul, learned counsel appearing for the petitioner examined one witness as P.W. 15 through interpretation on oath. He has been cross-examined by Mr. G.S. Massar, learned Sr. counsel appearing for respondent No. 1 and Mr. G.A. Dkhar, learned counsel appearing for respondent No. 3 decline to cross-examine P.W. 15. Accordingly, he is discharged.

Mt. Ext. 2 is produced before the court which was unlocked and thereafter, one EVM Ext. 2/6 was exhibited with other exhibits and also the Presiding Officer's diary Ext. 25 was also exhibited.

After conclusion of the examination-in-chief and cross-examination, Mt. Ext. 2/3 was placed along with Mt. Ext. 2/6 in an unseal condition and placed inside the trunk Mt. Ext. 2 and relocked with the court seal and the battery was removed.

Ext. 25 was also resealed with the court seal and send back to the strong room along with the Mt. Exhibits and Exhibits for safe custody.

List this matter on *24.10.2014*.

JUDGE

D. Nary