

**WP(Crl) No.15/2013**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. SP Mahanta, learned counsel for the petitioner as well as Mr. R Deb Nath, learned CGC appearing for the respondent No.1. Also heard Mr. KP Bhattacharjee, learned counsel for the respondents No.2-5.

Issue Notice returnable on *28.01.2014*.

No formal notice needs be issued as the respondents have already entered appearance through their respective counsel.

**JUDGE**

**Lam**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of his fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia

Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

*Lam*

**AB No.(SH)175/2013**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of his fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia

Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

**Lam**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of his fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia

Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

**Lam**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of his fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia



Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

*Lam*

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of his fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia

Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

**Lam**

**AB No.(SH)179/2013**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of his fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia

Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

**Lam**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of his fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia

Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

*Lam*

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of his fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia



Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

*Lam*

**BA No.(SH)158/2013**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. SP Mahanta, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. assisted by Mr. R Gurung, learned counsel appearing for the respondents.

Mr. SP Mahanta, learned counsel for the petitioner strenuously contended that even the R.P. (relevant papers) had not been supplied to the accused in compliance with the provisions of Section 207 Cr.P.C. for the purpose of committal proceeding under Section 209 Cr.P.C. Learned Chief Judicial Magistrate before whom the charge-sheet had been placed is bound to furnish the relevant papers mentioned under Section 207 Cr.P.C. for the proceeding under Section 209 Cr.P.C. Learned Chief Judicial Magistrate cannot sleep over her bounded duty under the said provisions of Cr.P.C.

Smti. C Dkhar, Chief Judicial Magistrate before whom committal proceeding is pending has to furnish the R.P. contemplated under Section 207 Cr.P.C. to the accused within 10 days from the date of receipt of this order passed by this Court.

The Registry is directed to furnish a copy of this order to Mr. SP Mahanta, learned counsel for the petitioner as well as to Mr. ND Chullai, Sr. P.P. appearing for the respondents in the course of the day.

The petitioner is to inform the order of this Court to Smti. C Dkhar, Chief Judicial Magistrate for compliance.

After R.P. have been received, the petitioner may move afresh bail application before the Court of Sessions Judge.

With the above observations, this bail application stands disposed of.

**JUDGE**

**Lam**

**BA No.(SH)182/2013**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Ms. SG Momin, learned counsel for the petitioner prays  
for allowing her to withdraw this bail application.

The prayer is granted.

The bail application stands disposed of on withdrawal.

**JUDGE**

**Lam**

**Caveat Petn.No.(SH)163/2013**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. KS Kynjing, learned senior counsel assisted by H Kharmih, learned counsel for the Caveator i.e. respondent No.6.

The petitioner is directed to furnish a copy of the writ petition to the learned counsel appearing for the caveator.

The caveator will be heard at the time of consideration of the interim prayer, if any, in the connected writ petition.

Accordingly, the caveat stands discharged.

**JUDGE**

**Lam**

**MC(WP(C)No.420/2013**  
**In WP(C) No.(SH)389/2013**

**BEFORE**  
**THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. K Paul, learned counsel for the applicant as well as R Gurung, learned counsel for the respondent No.1. Also heard Mr. KS Kynjing, learned senior counsel assisted by Mr. H Kharmih, learned counsel for the respondents No.2-6., learned counsel for the respondents No.3-6.

Issue Notice returnable on *31.12.2013*.

It is made clear that while the respondents are filing their short affidavit in the present misc. application, there should be clear reply to the allegations made in the misc. application as well as the writ petition that the petitioner are paying current bill as well as arrear.

**JUDGE**

**Lam**

**BEFORE**  
**THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

By an order of this Court dated 23.12.2013 passed in main writ petition, this is an application for an interim order.

Heard Mr. SP Mahanta, learned counsel for the applicant as well as Mr. ND Chullai, learned Sr.GA assisted by Mr. R Gurung, learned counsel for the respondents No.1 & 2. Also heard Mr. VGK Kynta, learned senior counsel assisted by Mr. R Thangkhiew, learned counsel for the respondents No.3-6.

Issue Notice returnable on *27.01.2014*.

Learned counsel for the applicant strenuously argued for an interim order. In support of his contention, Mr. SP Mahanta, learned counsel for the applicant contended that this Court in earlier writ petitions similar with the present writ petition had already passed an interim order suspending the order of the Autonomous District Council for collection of monopoly fee on coal at the rate of Rs.200/- per truck load.

Mr. SP Mahanta, learned counsel for the applicant had also drawn the attention of this Court to the said earlier interim orders of this Court which are annexed at Annexures-9, 10 & 11 respectively. This being the situation, this Court is of the considered view that similar ad-interim order is called for in this writ petition. It is provided that the operation of the order/letter dated 30.08.2013 allowing the respondent No.7 to collect monopoly fee on coal at the rate of Rs.200/- per truck load shall remain suspended till the next date i.e. *27.01.2014*.

Applicant is to take steps for service of notice to the respondent No.7 by registered post with AD within three days.

In the peculiar facts and circumstances of the case, the respondents are at liberty to file an application for modification/alternation or cancellation of the ad-interim order, if necessary.

The Registry is directed to furnish a copy of this order to the learned counsel appearing for the parties in the course of the day.

**JUDGE**

**Lam**

**WP(C) No.(SH)382/2013**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. SP Mahanta, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr.GA assisted by Mr. R Gurung, learned counsel for the respondents No.1 & 2. Also heard Mr. VGK Kynta, learned senior counsel assisted by Mr. R Thangkhiew, learned counsel for the respondents No.3-6.

Issue Rule returnable on *27.01.2014*.

Petitioner is to take steps for service of notice to respondent No.7 by registered post with AD within three days.

**JUDGE**

**Lam**



**WP(C) No.(SH)389/2013**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. K Paul, learned counsel for the petitioner as well as R Gurung, learned counsel for the respondent No.1. Also heard Mr. KS Kynjing, learned senior counsel assisted by Mr. H Kharmih, learned counsel for the respondents No.2-6., learned counsel for the respondents No.3-6.

Issue Notice returnable on *31.12.2013*.

No formal notice needs be issued as respondents have already entered appearance through their respective counsel.

**JUDGE**

**Lam**

**WP(C) No.(SH)390/2013**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Learned counsel for the petitioners prays for allowing him to withdraw this writ petition because of subsequent development.

The prayer is granted.

This writ petition stands disposed of on withdrawal.

**JUDGE**

**Lam**

**WP(C) No.(SH)391/2013**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

List this case again on *31.12.2013*.

**JUDGE**

***Lam***

**WP(C) No.(SH)392/2013**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Mr. K Paul, learned counsel for the petitioners prays for passing over this case.

The prayer is granted.

List this case again on *31.12.2013*.

**JUDGE**

***Lam***

**WP(C) No.393/2013**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Ms. SG Momin, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr GA appearing for the respondents.

Issue Rule returnable on *28.01.2014*.

No formal notice needs be issued as the respondents had already entered appearance through learned Sr. GA.

**JUDGE**

***Lam***

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of his fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia

Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

*Lam*

**AB No.(SH)159/2013**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. SP Mahanta, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

Sr. P.P. has to produce the case diary and bail objection, if any, on the next date i.e. *31.12.2013*.

**JUDGE**

**Lam**



**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of her fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia

Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

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**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of her fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia

Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

**Lam**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of her fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia

Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

*Lam*

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of her fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia

Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

*Lam*



**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of her fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia

Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

*Lam*

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of his fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia

Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

*Lam*

**AB No.(SH)166/2013**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of his fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia

Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

*Lam*

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of his fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia

Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

*Lam*



**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of his fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia

Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

*Lam*

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of his fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia

Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

*Lam*

**AB No.(SH)170/2013**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of his fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia

Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

**Lam**

**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of his fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia

Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

**Lam**



**BEFORE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**23.12.2013**

Heard Mr. L Khyriem, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. P.P. appearing for the respondents No.1-3.

On bare perusal of the bail application, it is crystal clear that the earlier bail application filed by the petitioner under Section 438 Cr.P.C. for pre-arrest bail had been rejected by the Additional District Magistrate, East Jaintia Hills, Khliehriat who exercises the power of the Sessions Judge. This Court and the learned Sessions Judge had the concurrent jurisdiction for pre-arrest bail under Section 438 Cr.P.C. No doubt, the High Court is superior to the Sessions Judge in hierarchy. It is fairly well settled law that the accused person can file the bail application repeatedly subject to the condition that there should be subsequent development after the earlier bail application had been rejected. In the instant case, nothing had been mentioned for the subsequent development after the earlier bail application filed by the petitioner had been rejected by the learned Additional District Magistrate.

Mr. L Khyriem, learned counsel for the petitioner strenuously contended that the learned Additional District Magistrate while rejecting the bail application by passing the order dated 06.12.2013, had not considered and discussed the important aspects of the matters which are favourable to the petitioners in considering the bail application. If that be so, that matter cannot be considered in this bail application under Section 438 Cr.P.C. inasmuch as, this bail application is not an application under Section 439 Cr.P.C.

As stated above, the petitioner can approach the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat for consideration of his fresh bail application in the light of the materials which are favourable to the petitioner. It is made clear that in the event of approaching the learned Additional District Magistrate, East Jaintia Hills District, Khliehriat by filing afresh bail application, the learned Additional District Magistrate, East Jaintia

Hills District, Khliehriat may pass appropriate order in accordance with law but the reasons should be given while passing appropriate order.

With the above observations, this bail application is closed and disposed of.

**JUDGE**

*Lam*