

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CrI. Revn. P. (SH) No. 29 of 2013

18.04.13

Heard Mr. N. Khan, the learned counsel for the petitioner who submits that the accused Vincent T Sangma is a student of Class-XII studying in Bissau College, he was arrested by the police without any rhyme or reason on 20.01.13. He was in police custody and judicial custody for 44 days and was released on interim bail to facilitate him to appear for the examination. Thereafter, bail application was further moved for regularization of interim bail which was rejected vide order dated 8.04.13 passed by learned Chief Judicial Magistrate, Shillong. Hence, approached this Court.

Also heard Mr. R. Gurung, the learned Addl. PP who submits that if bail is at all considered, some conditions may be imposed so that investigation will not be hampered.

Mrs. S. Shadap, IO is present and Lower Court case record received.

I have perused the impugned order dated 8.04.13 as well as Lower Court case records placed before me, it is apparent that the accused/petitioner was initially arrested and was in custody for 44 days. The IO concerned has submitted that during that period of 44 days, the accused/petitioner was in police custody for 10 days and in judicial custody for 34 days. If it is so, I am of the considered view that the police have got sufficient opportunity for interrogation and investigation of the case. Therefore, I do not find any reason that further custody of the accused/petitioner

is needed for the purpose of investigation and also I do not see any reason why he should not be allowed to remain on bail.

Accordingly, the accused/petitioner is allowed to go on bail with a sum of Rs. 50,000/- and one surety of the like amount subject to the satisfaction of the learned Chief Judicial Magistrate, Shillong on the following conditions.

- i) The accused/petitioner shall appear before the IO concerned continuously for 1(one) week for the purpose of investigation and he shall not interfere with the investigation or tamper any evidence.
- ii) The accused/petitioner shall have to appear before the IO concerned thrice in a week for another 2(two) weeks and thereafter as and when necessary for the purpose of investigation.
- iii) The accused/petitioner shall cooperate with the investigating authority and he shall not leave the jurisdiction of the Court of the Chief Judicial Magistrate, Shillong without prior permission.

With these observations and directions, this instant bail application is allowed and stands disposed of.

Registry is directed to send down back the LCR to the concerned Court.

JUDGE

V. Lyndem.