

BA. No. 2/2016

BEFORE  
THE HON'BLE MR. JUSTICE S.R.SEN  
CHIEF JUSTICE (ACTING)

22-02-2016

Heard learned Sr. counsel for the petitioner, Mr. G.S.Massar, assisted by Ms. S.G.Momin who submits that the accused, Shri Dilliram G. Marak was arrested on 5<sup>th</sup> December, 2015 in connection with Williamnagar Police Station case No. 110 (12) 2014 under Section 120 B/ 121/ 122/ 123 IPC read with Section 25 (1-A), (1-B) Arms Act read with Section 16/18/19/40 U A(P) Act, and since then he is in custody.

As per the direction of this Court, Investigating Officer, Mr. A.K.Sangma appeared alongwith learned Sr. State counsel, Mr. N.D.Chullai. Learned Sr. State counsel submits that the matter has already been charge sheeted before the Court and it is left to the discretion of the Court. Learned Sr. counsel, Mr. G.S.Massar on behalf of the petitioner contended that the accused, Shri Dilliram G.Marak is having a daughter who is mentally deranged and requires periodical check up at CMC, Vellore, besides that, recently his wife also found out that she has liver problem and needs immediate treatment. The accused, Shri. Dilliram G.Marak is the only man to support them as he is the only earning member of the family. Since the investigation is completed so further custody is not necessary, he may be allowed to be released on bail.

After hearing the submission advanced by learned Sr. counsel and giving my anxious thought, I feel that at this stage since the charge sheet has been filed, the accused cannot be held guilty of the offence as his guilt is to be established only after the trial by way of evidence, therefore, I agree with the submission of learned Sr. counsel that further

detention of the accused in custody may not help the investigation or trial in any manner. Therefore, I could not satisfy myself to record any reason why bail should not be granted in favour of the accused, Shri Dilliram G. Marak.

Accordingly, the accused, Shri Dilliram G. Marak is allowed to go on bail in connection with the above noted case if he is not required in any other case or cases for a sum of Rs. 1(one) lakh with 2(two) sureties of like amount subject to the satisfaction of the Chief Judicial Magistrate, Williamnagar, Garo Hills with the following conditions:

1. The accused shall not make any endeavour to interfere with the trial.
2. He shall not threaten any witnesses.
3. He will maintain peace and tranquility.
4. He should not leave station without prior permission of the Chief Judicial Magistrate concerned. However, it is noted that the Chief Judicial Magistrate concerned should allow him to take his ailing daughter and wife for immediate treatment.
5. He shall face the trial as and when required.

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

**CHIEF JUSTICE (ACTING)**

S.Rynjah