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Item No. 10
(through video conferencing)

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

AB No. 25 of 2021

Major Alok Sathe

.... *Petitioner/s*

- Versus –
The Officer In Charge, Kangpokpi Police Station

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

22.06.2021

Heard Mr. N. Ibotombi, learned Senior counsel assisted by Mr. L. Anand, learned counsel appearing for the petitioner and Mr. H. Samarjit, learned Public Prosecutor(PP) appearing for the respondent.

The present pre-arrest bail has been filed with a prayer for directing the respondent or any other Police Officer to release the petitioner on bail in the event of his arrest in connection with F.I.R. Case No. 21(6)2021 KPI-PS U/S/302/32 IPC & 27 Arms Act.

During the course of hearing of the present bail application, the attention of this Court has been drawn to the provisions of Section 45 of the Cr.P.C. wherein, it is provided that no member of the Arm Forces of the Union shall be arrested for anything done or purported to be done by him in the discharge of his official duties except after obtaining the consent of the Central Government. In view of the said provisions under Section 45 of the Cr.P.C., this Court is of the view that the petitioner cannot be arrested by the Police in connection with the aforesaid F.I.R. without obtaining the consent of the Central Government. Since nothing has been brought to the notice of this Court that the respondent has obtained the consent of the Central

Government for arrest of the petitioner in connection with the aforesaid F.I.R. case, the apprehension of the petitioner that he will be arrested by the Police is misplaced.

In view of the above, no order is required to be passed by this in the present bail application and accordingly the present application stands closed.

A copy of this order be furnished to both the learned counsel appearing for the parties through their respective Whatsapp/e-mail.

JUDGE

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