

**Serial No. 03**  
**Regular List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

AB. No. 1 of 2022

Date of Decision: 28.01.2022

Shri Ravi Kankani

Vs.

State of Meghalaya

**Coram:**

**Hon'ble Mr. Justice W. Diengdoh, Judge**

**Appearance:**

For the Petitioner/Appellant(s)	:	Mr. P.K. Sharma, Adv.
For the Respondent(s)	:	Mr. N.D. Chullai, AAG with Mr. S. Sengupta, Addl. Sr. PP Mr. A. H. Kharwanlang, GA.

i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

1. Heard Mr. P.K. Sharma, learned counsel for the petitioner who has submitted that an application under Section 438 Cr. PC with a prayer for grant of pre-arrest bail has been preferred before this Court.

2. Mr. Sharma has also submitted that on 23.12.2021, an FIR was lodged by Smti Margrisha Rani and two others before the Officer-In Charge Laitumkhrah Police Station, alleging that being part of a program conducted by the petitioner and the organizer of the program Shri Gilbert Thma, on the day of the said program the informants found out that their identity were being issued on another person's name inasmuch as, in the identity card, their photographs did not match with the name indicated therein for which the said FIR was accordingly lodged.

3. It is further submitted that the petitioner had received a work order from an NGO namely, Vidyaam Foundation, Lucknow to conduct a one-day training program in the North East region, that is “Recruitment Oriented Training Program (ROTP)” for which about a hundred candidates were to be mobilized. Accordingly, the petitioner requested Shri Gilbert Thma the owner of Hi-Tech Computer to allow him to use his office space to conduct the said one-day program. The Hi-Tech Computer was also requested to identify suitable candidates and to attach their respective photographs in the ID form for the purpose of selection of the candidates. However, on the day of the program that is 22.12.2021, in the midst of the program, the informants raised a hue and cry about an apparent mismatch with regard to their names and photograph on the ID for which the petitioner immediately caused the said incorrect ID to be destroyed and the program was immediately stopped.

4. The learned counsel has again submitted that the petitioner is innocent and not involved in any offence and more particularly the offence registered in Laitumkhrah PS Case No. 185(12)2021 u/s 468 IPC which is one of forgery as there is no evidence whatsoever of forgery or for that reason of cheating any person, more particularly the informants.

5. It is prayed that this application may be allowed and the petitioner, if arrested may be enlarged on bail with any conditions that this Court may deemed fit and proper to impose.

6. Also heard Mr. N.D. Chullai learned AAG along with Mr. S. Sengupta, learned Addl. Sr. PP for the State respondent who has submitted that from the contents of the FIR, prima facie it is apparent that the petitioner while calling candidates for the said program had clearly misused their identity for which the investigating authorities may be allowed to further investigate into the matter and at this stage no relief may be granted to the petitioner. However, if this Court is inclined to grant the relief as prayed for, then strict conditions may be imposed particularly one of cooperation with the Investigating Officer (I/O).

7. This Court after hearing the learned counsels for the parties and on perusal of the petition in hand and the case diary duly produced as directed, has given considerable thought to the matter. It is a fact that once an FIR has been lodged, the logical step would be for the investigating agency to launch investigation and in the process relevant witnesses including the named accused may be called for questioning in due process of law. However, the mode and manner of investigation may or may not involve custodial questioning depending on the facts and circumstances as well as the nature and gravity of the offence. The fact remains that if an accused is willing to subject himself to questioning voluntarily, it may not be necessary that he be incarcerated for the said purpose. Be that as it may, in this particular case, an allegation of forgery for the purpose of cheating has been made for which the Investigating Officer has to be given a free hand.

8. On perusal of the case diary, it is apparent that there is a reasonable apprehension by the petitioner of being arrested in connection with the aforementioned Laitumkhrah PS case. This on the face of it would qualify for his prayer to be allowed. It is also noticed that this Court vide order dated 20.01.2022 had allowed the petitioner to go on interim bail and in the intervening period, he had appeared before the I/O and his statement under Section 161 Cr.PC was recorded. Without going into the merits of the case, the I/O is allowed to conduct further investigation in the matter. However, it is opined that it is not necessary for the petitioner to be held in custody while the investigation is underway provided, he co-operates with the said process.

9. This being the case, this Court is inclined to allow this instant petition. In the event of his arrest the petitioner is to be enlarged on bail on the following conditions that: -

- (i) He shall not abscond or tamper with the evidence and witnesses;
- (ii) He shall cooperate with the I/O as and when required;
- (iii) He shall not leave the jurisdiction of India without prior permission

of the I/O or the court concerned and;

- (iv) He shall furnish a personal bond of ₹ 20,000/- (rupees twenty thousand) only with 2(two) sureties of like amount to the satisfaction of the court concerned.

10. The interim pre-arrest bail granted is hereby made absolute.

11. The registry is directed to send back the case diary.

12. Petition disposed of. No cost.

Meghalaya  
28.01.2022  
"N. Swer, Stenographer"



**Judge**