

Serial No.03
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA No. 1 of 2022

Date of Order: 20.01.2022

Shri. H. S. Laldinmawia

Vs.

State of Meghalaya & Anr.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. P. Chettri, Adv.

For the Respondent(s) : Mr. R. Gurung, GA

Heard Ms. P. Chettri, learned counsel for the petitioner, who has submitted that the petitioner is an accused in a case connected with Madanrting P.S. Case No.69(10) of 2014 under Section 7/8 of the POCSO Act, 2012. The accused was released on bail on 10.11.2014, however, he was re-arrested on 02.11.2021 apparently on the ground that he had failed to appear before the Trial Court on the dates fixed.

Ms. P. Chettri, has further submitted that the petitioner is not very conversant with the provisions of law and was not aware nor made known of the summons issued to him from time to time, hence his absence from the proceedings. It is also the case of the petitioner that he is a patient suffering from kidney problem for which his incarceration in judicial custody would hamper his treatment. It is therefore, prayed that bail may be granted to the petitioner with any conditions imposed.

Also heard Mr. R. Gurung, learned GA, appearing for the State respondent who has submitted that the case in question is that of the year 2014 and it is incumbent upon the Trial Court to proceed with the case expeditiously as directed by the Hon'ble Supreme Court from time to time.

Given the fact that the accused has been absent from these proceedings for a long time, at best, this Court may be pleased to direct the Trial Court to speed up the proceedings and as such, petitioner may not be allowed to be enlarged on bail at this stage.

Upon hearing the learned counsels and on consideration of the facts and circumstances as evident from the petition and the submissions of the parties, this Court is in agreement with the learned GA that speedy disposal of cases, particularly those under POCSO Act has to be ensured by the Trial Court. However, given the fact that the petitioner herein was re-arrested only on the basis of his non-appearance before the Trial Court, this Court is of the opinion that he should be given an opportunity to freely participate in the trial.

It may also be mentioned that the prosecution has not been able to apprise this Court as to whether the previous bail granted to the petitioner was cancelled or not. Be that as it may, the petitioner is hereby allowed to be enlarged on previous bail with emphasis that he shall appear before the Trial Court as and when the matter is fixed.

The Trial Court is directed to issue necessary orders for release of the petitioner forthwith.

It is made clear that any further absence of the petitioner from proceedings will result in cancellation of the bail granted.

Petition disposed of.

Judge

Meghalaya
20.01.2022
"Tiprilynti-PS"