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**IN THE HIGH COURT OF MANIPUR  
AT IMPHAL**

**CRIL. M.C. No. 12 of 2024**

Thokchom Indraraj Singh

*...Applicant*

- Versus -

Officer-in-Charge, Imphal Police Station, Imphal West  
District, Manipur & Anr.

*...Respondents*

**B E F O R E  
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU**

22.03.2024

[1] Heard Mr. L. Sevananda, learned counsel appearing for the applicant, Mr. Y. Ashang, learned PP appearing for the State respondent and Ms. A. Noutuneshwori, learned counsel appearing for the respondent No. 2.

[2] The present application has been filed with the following prayer:

- "(i) *To grant ad-interim anticipatory bail until the calling of bail objection report with the case diary in connection with the FIR No. 08(01) 2024 IPS U/s 307/506 IPC & 25 (1-B) A. Act.*
- (ii) *To issue other order(s) or direction(s) as deemed fit and proper under the facts and circumstances stated in the interest of justice."*

[3] On 25.11.2023 at around 11:15 a.m., the informant of the FIR case and his family members were making preparation to construct a wall across the common passage way used by both the informant's family members and the applicant's family members. The applicant and his family members on knowing of

the preparation to construct the said wall by the informant and his family members, protested thereby requesting the informant and his family members to refrain from building the said wall as the same would create an obstruction to passing through the passage way.

The informant of the FIR case and his family members, despite such protest, started construction of the wall forcibly, which resulted chaos and commotion and hence, heated arguments ensued between the parties. The informant previously lodged a report to the officer-in-charge, Imphal Police Station on 25.11.2023 and on 07.12.2023 made a report to the Superintendent of Police, Imphal West since the report made to the Officer-in-Charge, Imphal P.S. did not take the report. However, when the reports were not acted upon by the Police Officials, the informant filed a complaint to the Court of Chief Judicial Magistrate on 05.01.2024 and as such, the Ld. Court of Chief Judicial Magistrate, Imphal West directed the Officer-in-Charge, Imphal PS for investigation and the present FIR was registered against the applicant.

[4] The father of the applicant and his uncle filed a civil declaratory suit in the Court of Civil Judge, Junior Division, Imphal West – I, which was registered as O.S. No. 55 of 2023 and the Ld. Civil Judge, Junior Division, Imphal West – I passed an injunction order dated 11.12.2023. Operative portion of the order reads as follows:

*"This Court is of the view that the principle of grant of ex-parte injunction are in favour of the plaintiffs. Accordingly, this Court deems fit appropriate that the prayer of the plaintiffs be allowed and the status quo be maintained till the next date of hearing in respect of the suit land described in Schedule – C of the application."*

[5] The applicant filed an anticipatory bail application before the Ld. Sessions Court, Imphal West dated 16.01.2024. The same was transferred to the Additional Sessions Judge (FTC), Manipur East for hearing and numbered as Cril. Misc. A.B. Case No. 9 of 2024. However, the said bail application was rejected vide order dated 02.03.2024 by the Ld. Additional Sessions Judge (FTC), Manipur East. Operative portion of the order is reproduced herein below:

*"As per Sec 438 CrPC, one of the main questions to be looked into is the bonafide of the complaint and whether the same was made with the intention of humiliating or causing injury to the accused by causing his arrest. As this stage, the circumstances show that the complaint was not made so as to humiliate the accused. Further, investigation is seen to be proper and this Court finds no reason to circumscribe the investigation in any manner by protecting the petitioner from arrest. The prayer for anticipatory bail is hereby rejected. Interim order dated 19.01.2024 stands vacated.*

*Cril. Misc (AB) is disposed of accordingly."*

[6] The learned PP for the State respondent submits that he needs to get report from the investigating officer to controvert the submissions made by the petitioner and on perusal of record including the operative portion as reproduced above, it is found that the parties are litigating before the Ld. Civil Judge (Jr. Divn.) Imphal West – I in connection with the present suit land and it is also seen that the investigating officer of the case while submitting the interim bail objection report before the Ld. Sessions Judge (FTC), Manipur East and in that, it was mentioned that requisition was submitted to the Deputy Commissioner of Imphal East and Imphal West District, Manipur through SP, Imphal West to verify the issue of any small arms to the alleged accused/petitioner namely, Thokchom Indraraj Singh and his family members to ascertain the true facts of the incident and the report is still awaiting.

[7] In the facts and circumstances discussed and narrated herein above, a comprehensive report from the I.O. of the case is required. But, due to the ensuing Holi Vacation which is to start from tomorrow i.e. 23<sup>rd</sup> to 31<sup>st</sup> March, 2024, there is no possibility to fix in the nearer date and accordingly, awaiting for the objection from the learned PP, in the meantime, it is ordered that if the petitioner is arrested by the police in connection with FIR Case No. 08(01) 2024 IPS U/s 307/506 IPC & 25 (1-B) A. Act, he shall be released on bail on his furnishing PR bond of Rs. 50,000/- (Rupees fifty thousand) with one surety of like amount to the satisfaction of the arresting authority. It is also made clear that the applicant should co-operate with the investigation and he should make himself available before the I.O. of the case as and when required. The applicant should not leave the State of Manipur without prior permission of the arresting authority. This interim order will be operative till the next date of hearing.

[8] It is further made clear that if the applicant violates any of the conditions given hereinabove, the respondents are at liberty to approach this Court for modification or cancellation of this interim order.

[9] Accordingly, the present application stands disposed of.

**JUDGE**

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