



Serial No. 07
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

AB. No. 2 of 2021

	Date of Decision: 18.02.2021	
Shri. Bison Shylla	Vs.	State of Meghalaya & Anr.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Dr. N. Mozika, Sr. Adv. with Mr. M.L. Nongpiur, Adv.
For the Respondent(s)	:	Mr. N.D. Chullai, AAG. with Ms. R. Colney, GA.

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

1. An FIR was filed before the In-Charge Ladrymbai Outpost, Ladrymbai, East Jaintia Hills District, whereby a report was made that on 21.01.2021 an incident occurred at a fresh mining site named as Sorkari (under Deinshalalu village).

2. In the said incident about 6(six) labourers lost their lives. It is also reported that the mining activities at the place of occurrence was supervised by a Sordar named Salim and the said mining site is said to belong to one Shri. Lar Bareh of Khliehriat village. Accordingly, the police registered a criminal case being Khliehriat P.S. Case No. 07(01)2021 under Section 188/304A/34 IPC read with Section 21 (5) MMDR Act and read with Section 3/4 E.S Act.

3. The petitioner herein has approached this Court with an application under Section 482 Cr.P.C praying for grant of anticipatory bail on the ground that it is reliably learnt that the police have come looking for him in connection with the said Khliehriat P.S. Case.

4. Dr. N. Mozika, learned Sr. counsel assisted by Mr. M.L. Nongpiur,



learned counsel for the petitioner submits that the petitioner is not at all involved in the said incident and was informed about the same only through the news, but on 30.01.2021 some of his neighbours informed him that the police had come looking for him at his place of residence in connection with the said incident, for which apprehending arrest, he has approached this Court.

5. This Court vide order dated 03.02.2021 upon hearing the learned counsels for the parties had directed the case diary of the said Khliehriat P.S. Case to be produced before this Court for perusal.

6. Accordingly, Mr. N.D. Chullai, learned AAG assisted by Ms. R. Colney, learned GA on his appearance before this Court today has produced the C.D. It is however fairly submitted by the learned AAG that the contents of the C.D would show that there is no complicity on the part of the petitioner, as far as the said incident referred to in the said Khliehriat P.S. Case is concerned and has left it to the discretion of this Court to pass necessary orders.

7. I have perused the C.D and has noted that the Entry No. 16 dated 09.02.2021 by the I/O has clearly indicated that, *"Therefore it is clear that there is no clue of involvement of Shri. Tiufill Shadap and Shri. Bison Shylla into this instant case and their custody is not required."*

8. This being the case, at this juncture, I find that there is no apprehension of arrest, as far as the petitioner is concerned and as such, an application under Section 482 Cr.P.C cannot be made out since it is apparently clear that the police are not inclined to arrest him.

9. Under the circumstances, this application is hereby disposed of as observed above.

10. Registry is directed to send back the C.D.

Judge

Meghalaya
18.02.2021
"D. Nary, PS"