



Serial No.06
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.A.No.18/2021

Date of Order: 01.05.2023

Gaisinglung Meiringmei Vs. National Investigation Agency (NIA)

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Appellant : Mr. S. Thapa, Adv with
Mr. D. Thamei, Adv

For the Respondent : Dr. N. Mozika, DSGI with
Ms. A. Pradhan, Adv

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

JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

The matter has been kept pending first, to ensure the speedy progress of the trial; and, next, to grant certain liberties to the appellant herein in the event the trial takes too long.

2. Indeed, in some of the previous orders it was indicated that the appellant herein may be granted certain liberties even if complete bail cannot be granted.

3. Without seeking to prejudice the trial in any manner, it is noticed that the charges against the appellant are grievous. There appears



to be material to suggest that the appellant was involved in an extortion racket upon kidnapping one or more persons or holding such persons to ransom. Prima facie, there is sufficient material to link the appellant to the commission of the crime.

4. The prosecuting agency says that considering the nature of the charges and the extent of influence wielded by the appellant herein, there can be no question of permitting the appellant to go to Manipur as there is every possibility of the appellant slipping out of the country. The National Investigation Agency also asserts that another co-accused who has been granted bail by the trial court has since absconded and steps have to be taken for a proclamation to be issued against such accused.

5. According to the NIA, the appellant's wife, who is also named as a co-accused, was, initially, not taken into custody because she was pregnant. The NIA also submits that the wife has travelled on a number of occasions to Shillong. In such circumstances, it is appropriate to grant certain liberties to the appellant since he has been in custody for a considerable period of time while the trial has gone on. NIA agrees to limited rights for the appellant to be in the company of his spouse without their privacy being disturbed, but under the overall supervision of the NIA even during such period.



6. The appellant seeks also to visit his parents. The appellant says that it may be inconvenient for the wife to travel to Shillong. The appellant asserts that he is entitled to be enlarged on bail since there does not appear to be an imminent end to the trial.

7. According to the prosecution, 40 of the possible 70 witnesses have already been examined. The prosecution claims that though more than 150 witnesses were named, it may not be necessary to examine any more than approximately 75 witnesses. The prosecution assesses that the trial, at its present pace, should be completed in course of this year. The prosecution submits that given the nature of the offence, it is necessary to examine huge number of witnesses.

8. Considering the conduct of the co-accused who has absconded, the gravity of the offence apparently committed against the State by the appellant and the likelihood of the appellant seeking to cross over to some neighbouring country, the prayer for bail is rejected. However, considering the time already spent in custody while the trial has gone on, it will be open to the appellant to obtain time with the appellant's spouse on at least two continuous days every month beginning May, 2023 when the privacy of the couple will not be disturbed by the NIA but they will be housed at a location in or around Shillong which the NIA will be able to



guard to ensure that there is no attempt by either the appellant to flee or no possibility of outside elements attempting to take the appellant away.

9. In course of such two-day periods, it will be open to the parents and other near relatives of the appellant to visit him, but again under the supervision of the NIA and at the protected place to be ensured for such purpose by the NIA.

10. In the event the trial is not completed by the end of this calendar year, a fresh application for bail may be made or for further liberties sought.

11. Crl.A.No.18 of 2021 is disposed of.

(W. Diengdoh)
Judge



(Sanjib Banerjee)
Chief Justice

Meghalaya
01.05.2023
"Lam DR-PS