



Serial No. 02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

AB. No. 4 of 2026

Date of Decision: 07.05.2026

Smti. Kaushlya Gour
W/o Shri. Gopal K. Gour,
R/o Rukmani Jewellers (P) Ltd,
Shivshakti Paradise G-66-67,
Central Soine Rd. Sector-2, Central Spince,
Vidhyadhar Nagar, Jaipur Rajasthan-302039.
Represented by Shri Suraj Kumar, (Power of Attorney Holder)
S/o Shri Diwani Ram
R/o Pithoragarh, Bilai,
Uttarakhand – 262520.

.... Petitioner

- Vs-

1. State of Meghalaya,
Represented by its Secretary, Home Police Department,
Govt. of Meghalaya, Shillong
2. Superintendent of Police,
Ri-Bhoi District, Nongpoh,
Meghalaya.
3. Officer-in-Charge,
Khanapara Police Station,
Ri-Bhoi District,
Meghalaya
4. Smti Suchona Ch. Sangma
W/o Limison D. Sangma
R/o Boldampitbari,
PO/ PS Tikrikilla,
West Garo Hills District,
Meghalaya

(Respondent No. 4 struck off vide order dated 27.03.2026)

.... Respondents

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

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

Appearance:

For the Petitioner/Appellant(s)	:	Mr. K. Paul, Sr. Adv with Mr. S. Chanda, Adv. Ms. S. Khatun, Adv. Mr. T.C.S. Lama, Adv.
For the Respondent(s)	:	Mrs. N.G. Shylla, Sr. GA with Mr. J.N. Rynjah, GA.

JUDGEMENT AND ORDER (ORAL)

1. Heard Mr. K. Paul, learned Sr. counsel along with Mr. S. Chanda, learned counsel for the petitioner, who has submitted that an FIR dated 09.07.2024 was lodged by one Smti. Suchona Ch. Sangma before the Superintendent of Police, Ri-Bhoi District, wherein certain allegations of financial mismanagement, misappropriation and irregularities have been directed against Shri. Gopal Krishna Gour, who is the husband of the petitioner herein.

2. Accordingly, on receipt of such FIR, a case was registered as Khanapara P.S Case No. 25 (7) 2024 under Section 381/408/120B/417/418/420/34 IPC, and investigation was launched.



3. In course of investigation, the petitioner being the wife of the main accused that is, Shri. Gopal Krishna Gour, is apprehensive of imminent arrest as she was also implicated in the case as her name has surfaced during investigation. Hence, this petition.

4. The learned Sr. counsel has further submitted that the fact that all the sections of law involved in the case carries punishment of less than 7(seven) years or to the extent of 7(seven) years, therefore, the petitioner could not have been arrested unless prior notice under Section 35(3) of the BNSS has been issued upon her which has not been done so. This contention has the support of the relevant case law in the case of **Satender Kumar Antil v. Central Bureau of Investigation and Anr**, wherein, the Hon'ble Supreme Court in **MA No. 2034 of 2022 in MA No. 1849 of 2021 in Special Leave Petition (CRL.) No. 5191 of 2021**, vide order dated 15.01.2026, has inter-alia directed that *“A notice under Section 35(3) of the BNSS, 2023 to an accused or any individual concerned, qua offences punishable with imprisonment up to 7 years, is the rule.”*

5. The other submission of the learned Sr. counsel is that since the Hon'ble Supreme Court has already granted anticipatory bail to another co-accused, that is, Shri Rahul Sharma, in connection with the same Khanapara P.S Case No. 25 (7) of 2024, vide order dated 21.04.2025 in Criminal Appeal No.



2077 of 2025, therefore, on grounds of parity, anticipatory bail may also be granted to the petitioner herein with any conditions fit to be imposed by this Court.

6. Mrs. N.G. Shylla, learned Sr. GA along with Mr. J.N. Rynjah, learned GA appearing for the State respondent, has no strong objection to the prayer made in this petition, but has submitted that the petitioner, if allowed to go on anticipatory bail, she must cooperate with the investigation and be made available as and when required.

7. In view of what has been submitted by the learned Sr. counsel for the petitioner, even on grounds of parity, taking into account the order of the Hon'ble Supreme Court dated 21.04.2025 (supra), the prayer of the petitioner is hereby allowed.

8. In the event of arrest, the petitioner is to be released on bail on the following conditions:

- i) That she shall not abscond or tamper with the evidence or witnesses;
- ii) That she shall attend court as and when called for;
- iii) That she shall not leave the jurisdiction of India, except with due permission of the court concerned; and



iv) That she shall bind herself on a personal bond of ₹ 50,000/- (Rupees fifty thousand) with two local sureties of like amount to the satisfaction of the Trial Court.

9. In view of the above, this petition is disposed of accordingly. No costs.

Judge