

GAHC010174632022



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : AB/2516/2022**

DR. MONGVE KRO AND ANR  
SON OF SRI DHANSING KRO AND R/O TEACHERS COLONY, P.O. DIPHU  
AND P.S. DIPHU, DIST. KARBI ANGLONG, ASSAM

2: DR JITEN TERON  
SON OF LATE SARBURA TERON AND R/O WARD NO. 13

HIDILANGSO NEAR ST. MARY SCHOOL

P.O. DIPHU AND P.S. DIPHU  
DIST. KARBI ANGLONG  
ASSA

VERSUS

THE STATE OF ASSAM  
REP. BY THE LEARNED PP, ASSAM

**BEFORE**  
**HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

|                             |   |                          |
|-----------------------------|---|--------------------------|
| Advocate for the Petitioner | : | Mr. S. Nawaz, Advocate   |
| Advocate for the Respondent | : | Mr. B. Sarma, Addl. P.P. |
| Decided on                  | : | 02.02.2023               |

**1.** Heard Mr. S. Nawaz, learned counsel for the informant. Also heard Mr. B. Sharma, learned Addl. P.P. for the State of Assam.

**2.** The petitioners namely, Dr. Mogve Kro and (2) Dr. Jiten Teron have filed an application under Section 438 Cr.P.C. with prayer for pre-arrest bail as they are apprehending arrest in connection with Diphu P.S. Case No. 63/2022 under Section 120-B/420/409 IPC.

**3.** I have considered the submissions at the Bar. What could be deciphered from the submissions is that both the petitioners are founder Directors of Karbi Anglong Hospital Private Limited at Diphu. An FIR was lodged by Dr. Habbey Teron with allegations that the petitioners misappropriated funds through transaction of shares in the market. The informant is a shareholder and there are several doctors who are also shareholders of the petitioners' Company. The petitioners invested in shares in a clandestine manner for their wrongful advantage. An FIR was also lodged against the petitioners and another case arising out of the similar cause of action is pending in the Gauhati Bench of the National Company Law Tribunal. The informant has filed an objection stating that the shareholders of the petitioners' Company were deprived from investment in shares as the petitioners advertised for the shares and purchased the same in a subterfuged manner which resulted in embezzlement of funds of the petitioners' Company in which the informant and his colleagues are shareholders.

**4.** On the contrary it is submitted on behalf of the petitioners that this case is already subjudiced at the National Law Company Tribunal (NLCT). Informant and the other shareholders are government doctors who have vested interests in the shares of the petitioners' company. The informant and his companions are scheming to take over the company despite being government

employees.

**5.** It is submitted on behalf of the informant that the petitioners who have obtained the privilege of interim bail have violated bail conditions. They have threatened the witnesses and they have entered into the hospital to manipulate and tamper with the evidence. It is submitted that their interim bail may be cancelled and the petitioners be taken into custody.

**6.** On the other hand it is submitted on behalf of the petitioners that the petitioners have indeed entered into the hospital but the allegation of threats and tampering of evidence is absolutely false and baseless.

**7.** I have given my anxious consideration to the submissions at the Bar. Vide order dated 02.09.2022, interim bail was granted to the petitioners with the observations that the management of the affairs of the petitioner's company is pending for disposal before the NLCT, Guwahati Bench registered as CP No. 14/GB/22. It is also seen that the statement in the FIR is relatable to the dispute between the shareholders and directors of the said Company. In view of my foregoing discussions and after considering the submissions at the Bar, I am of the considered opinion that the petitioners are not flight risks being local residents. The nitty-gritties of the merits of the case are not required to be considered at this stage. Investigation is under progress.

Custodial interrogation does not appear to be necessary as investigation is progressing. Another case arising out of the same cause of action is also pending at the NLCT.

In view of the above, the interim order dated 02.09.2022 is hereby made absolute under the conditions that

- i. the petitioners shall not exercise threats to witnesses and the

shareholders of the Company.

- ii. the petitioners shall not misuse their liberty in any manner; and
- iii. the petitioners will not jump bail.

Send back the Case Diary.

**JUDGE**

**Comparing Assistant**