

GAHC010080762024



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

**Case No. : AB/1043/2024**

SAIFUL ISLAM CHOUDHURY  
S/O- ABDUS SABUR CHOUDHURY,  
R/O- VILLAGE METHIGAON,  
P.O- NILBAGAN, P.S- MURAJHAR, DIST- HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP ASSAM

**Advocate for the Petitioner :**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**  
**ORDER**

**29.04.2024**

Heard Mr. A.K. Hussain, learned counsel for the applicant and Ms. A. Begum, learned Additional Public Prosecutor for the State respondent.

**2.** Apprehending arrest in connection with the **Hojai P.S. Case No. 88/2024**, under Sections 419/468/471/34 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant

namely, **Saiful Islam Choudhury** for grant of pre-arrest bail.

**3.** The said case has been registered on the basis of one FIR lodged by Dr. Anil Kumar Gupta, on 21.03.2024. The essence of allegations made in the FIR is that one Dr. S. Islam Choudhury has been practicing dentistry at Nilbagan Bazar and Dr. Salim Uddin Majumder has been practicing dentistry at Nilbagan Tiniali and Mainul Hoque has been practicing dentistry at Lanka, without having requisite qualification or registration as required to practice dentistry in the country and one Dr. Rano V. Thaosen has enrolled Dentist Mohibul Hoque and Dr. Nisha Agarwal has enrolled Dentist S. Hoque practicing at various location of Hojai district with their practice.

**4.** Mr. Hussain, learned counsel for the applicant submits that the applicant has persuaded his BDS Degree in Ch. Charan Singh University, Meerut and he got his name registered in the Maharashtra State Dental Council and that having registered at Maharashtra State Dental Council, he can practice in Assam also. Mr. Hussain further submits that he has possessed all his relevant documents and he will produce the same before the investigating agency and that in respect of the said documents there is a required verification and till the verification is over, the applicant can be extended privilege of pre-arrest bail.

**5.** On the other hand, by producing the Case Diary before this Court, Ms. Begum, learned Additional Public Prosecutor submits that there is specific allegation in the FIR against the applicant and some materials also collected by the I.O. against the applicant in support of the same and therefore, it is contended to dismiss the petition.

**6.** Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary produced before this Court, with the assistance of

learned Additional Public Prosecutor.

**7.** The case diary indicates that the investigating is still going on and there is no material to show that the I.O. got the required documents verified from the concerned authorities. Further, it appears from the certificates enclosed with the petition that the petitioner has persuaded his BDS Degree in Ch. Charan Singh University, Meerut and he got his name registered in the Maharashtra State Dental Council, under Dentist Act, 1948.

**8.** Under the aforementioned facts and circumstances, it is provided that after verification of the certificates, the learned Additional Public Prosecutor shall produce the up-to-date case diary before this Court on 31.05.2024.

**9.** In the interim, till receipt of the up-to-date case diary, in the event of his arrest, in connection with **Hojai P.S. Case No. 88/2024**, under Sections 419/468/471/34 of the IPC, the applicant shall be enlarged on pre-arrest bail, on his executing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the arresting authority.

**10.** The above privilege is, however, subject to the following conditions:

(i) that the applicant shall make himself available for interrogation by the Investigating Officer within 10 days from today and shall also produce all the relevant documents before him;

(ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

(iii) that the applicant shall not leave the jurisdiction of the learned **Chief Judicial Magistrate, Hojai**, without prior permission.

**11.** The learned Additional Public Prosecutor shall return the case diary and

produce the up-to-date case diary before this Court on 31.05.2024.

**12.** The Registry shall list the matter again on 31.05.2024.

**Comparing Assistant**

**JUDGE**