

GAHC010083832024



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

Case No. : AB/1078/2024

SHALIM UDDIN MOZUMDER @ DR. SALIM UDDIN MAJUMDER
S/O ISRAIL ALI
VILL- SINGIRPAR
P.O. JOYNAGAR,
P.S. MURAJHAR
DIST. HOJAI, ASSAM
PIN-782445

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

13.05.2024

Heard Mr. M. Ali, learned counsel for the applicant and Ms. N. Das, 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, **Shalim Uddin Mozumder @ Dr. Salim Uddin Majumder** 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. Ali, learned counsel for the applicant submits that the applicant has persued his studies at Sarswatichandra Allopathy Medical College & Hospital, Ahmedabad and he has obtained his degree of B.D.A.S. (Bachelor in Dental Allopathy Specialities) from Sarswatichandra Allopaty Medical Council, India. Mr. Ali further submits that the applicant is suffering from ailments of liver and also of kidney and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, by producing the Case Diary before this Court, Ms. Das, learned Additional Public Prosecutor submits that the I.O. has collected sufficient incriminating materials against the applicant and that he has not registered under Part-A and Part-B of Dentist Act and that neither he is eligible to register their qualification under any State Dental Council, because the courses, which he has persuaded, have not been recognized by the Dental Council of India 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. It appears that the I.O. has collected sufficient incriminating materials against the applicant. Further, it appears that the investigation is still going on and extending the privilege of pre-arrest bail to the applicant, will hamper the investigation.

8. In view of above, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be extended to the applicant and therefore, the same is dismissed.

9. The case diary be returned.

JUDGE

Comparing Assistant