

GAHC020002952025



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

Linked Case : AB/17/2025

AMRAM S ARKHA
R/O NEW COLONY
DIMAPUR
NAGALAND

VERSUS

STATE OF NAGALAND
KOHIMA NAGALAND

Advocate for : MOA JAMIR
Advocate for : P.P
NAGALAND appearing for STATE OF NAGALAND

**BEFORE
HON'BLE MRS. JUSTICE SHAMIMA JAHAN**

ORDER

Date : 21-07-2025

This application has been filed by the petitioner under section 482 of BNSS praying for pre-arrest bail in connection with the West Police Station No. 0040/2025 under section 316(4) (5)/337/3(5) of the BNSS, 2023.

The FIR report reveals that the petitioner, who was an employee in the Court of District & Sessions Judge was allegedly

found involved in missing of cash of Rs. 14,35,000/- in respect of the cash deposited by different accused person in connection with bails in pending criminal cases. The FIR further reveals that the records were verified and upon verification, entries were found, made between the gaps of other entries showing deposit of cash amount without however making the actual deposits. The petitioner was alleged to have been involved in handling of the cash and the FIR was registered against him.

Mr. Moa Jamir, learned counsel appearing for the petitioner states that the petitioner was given liberty to approach the I.O and to co-operate with the investigation vide order dated 28.05.2025 by this Court and in compliance of the same, he approached the I.O and he gave his statement on the next day itself i.e. 29.05.2025. He had also stated that by a subsequent order dated 06.05.2025, the petitioner was released on the interim bail. As such, he submits that the petitioner has co-operated with the investigation and he may be released on pre-arrest bail.

Mr. E. Thiba Phom, learned P.P. submits and by placing the CD, states that the same reveals that it was the petitioner namely, Amram S. Arkha who had actually taken the amount from the bailers in different applications and the same was stated by the Advocates whose statements were recorded by the I.O as well as by the petitioner himself. As such, he prayed that the money which was received by the petitioner was found missing and that he was involved and no bail should be granted to the petitioner.

I have heard the learned counsels. It is apparent from the record of the case that even without obtaining an interim bail order,

the petitioner had gone and given his statement before the I.O. On 28.05.2025, he was given liberty to appear before the Officer-in-Charge and to co-operate and on the next date itself he went and gave his statement to the Officer-in-Charge, which is little unusual for an accused person to do the same. He had further stated before the Officer-in-Charge that he receives the money and gives the same to the other co-accused for depositing it in the bank. He had also stated that since only Rs. 50,000/- per day could be accepted by the bank in a day, the other co-accused had requested him to keep the money and that he had handed over the remaining amount to him for onward deposition in the bank. Since the petitioner has co-operated with the I.O fully, this Court is of the view that the petitioner may be released on pre-arrest bail in the event of his arrest. The petitioner shall furnish a bail bond of Rs. 20,000/- with two local surety of the like amount to the satisfaction of the learned CJM with the following terms and conditions;

(i) He will co-operate with the Investigating Agency and would appear before the Court as and when called for.

(ii) He shall not tamper with the evidence or influence the witnesses whoever is connected to the instant case.

(iii) He shall not leave the jurisdiction of the CJM, Dimapur without the leave of the said Court.

The anticipatory bail application stands disposed of.

Sd/-

JUDGE

Comparing Assistant