

GAHC020002952025



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

Linked Case : AB/18/2025

LEYALO KATH
R/O KACHARIGAON
DIMAPUR
NAGALAND

VERSUS

STATE OF NAGALAND
KOHIMA NAGALAND

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

**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.

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 granted interim bail and was given liberty to approach the I.O and 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 has given his statement on the next date 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 placed the CD and states that the CD reveals that it was the petitioner namely, Leyalo Kath who had the responsibility to deposit the cash received by co-accused from the bailers, in the bank, from where it was found missing and as such, he prayed that the petitioner is involved and no bail should be granted to the him.

I have heard the learned counsel for the parties. It is apparent from the record of the case that even without obtaining the interim bail order, the petitioner had gone and gave 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 stated in his statement before the I.O and that he was the one who deposits the money in the bank and that since only Rs. 50,000/- could be deposited in a bank in a particular day, he collects only some amount from the co-accused Mr. Amram and deposits it in the bank. He stated that the money is collected by Mr. Amram and the then, he goes and deposits. He also stated that he deposited every amount in the bank after making proper entry in the register and a copy of the bank deposit slip is maintained in the office. 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 arresting authority 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 case.

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

The anticipatory bail application stands disposed of .

Sd/-

JUDGE

Comparing Assistant