GAHC020008342026 2026:GAU-NL:593

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

Case No. : AB/13/2026

SRI RUDRA SAHARIA
S/O SRI RAJONIKANTA SAHARIA, R/O SAHARI VILLAGE, BELKONA, P.O. BIHDIA, P.S. BAIHATA CHARIALI, DISTRICT - KAMRUP, ASSAM - 781381

VERSUS

THE STATE OF NAGALAND
REPRESENTED BY THE PUBLIC PROSECUTOR, NAGALAND

Advocate for the Petitioner : LENTSO SANGTAM,

Advocate for the Respondent : P.P, NAGALAND,

BEFORE
HONBLE MRS JUSTICE HELEN DAWNGLIANI

ORDER

Date : 02.11.2026

1. Heard Mr. Lentso Sangtam, learned counsel for the Applicant. Also heard Mr. Veto V. Zhimomi, learned Public Prosecutor, appearing for the State Respondent.

2. The scanned copy of the Case Diary is produced.

3. This application is filed under Section 482 of the BNSS, 2023 for

granting pre-arrest bail to the Applicant in connection with Dimapur East Police Station Case No. 132/2026 U/s 3(5)/316(2)/336(3), BNS, 2023.

4. Mr. Lentso Sangtam, learned counsel for the Applicant submits that on 19.08.2026, he received summons from the Police U/s 35(3), BNSS to appear before the Officer-in-Charge of East Police Station, Dimapur in connection with the aforementioned Dimapur East Police Station Case No. 132/2026. The contents of the notice reflect the allegation against the Applicant that he has induced the Complainant to enter into an award/project contract by using a forged document pursuant to which the Complainant allegedly supplied solar items, and that during the ensuing process the Complainant was allegedly cheated into depositing an amount of Rs. 47,00,000/- (Rupees Forty-Seven Lakhs only).

5. While categorically denying the allegations, the Applicant submits by way of the instant application, that the allegations contained in the police notice are substantially documentary in nature and relate to an alleged work/project and the relevant documents are capable of being produced before the Investigating Officer and there is no justification for custodial interrogation. It was further submitted that since summons U/S 35(3), BNSS has already been issued against the Applicant there is a reasonable apprehension of his arrest and that he is willing and ready to cooperate with the investigation if he is granted pre-arrest protection.

6. It is also the contention of the Applicant that no useful purpose would be served by arresting the Applicant as he is willing to cooperate with the investigation. At the same time, the learned counsel for the Applicant has

submitted that due to health issues and family problems that have arisen after the FIR was filed the Applicant has not been able to cooperate with the investigation to the extent of making himself physically available to the Investigating Officer whenever required. It is however assured by the learned counsel that such difficulties were in the past and that, henceforth, he would be cooperating with the investigation and would be able to make himself available whenever required.

7. On the other hand, Mr. Veto V. Zhimomi, learned Public Prosecutor, submitted that the Applicant had earlier approached the learned Principal District & Sessions Judge, Dimapur for grant of pre-arrest bail and vide order dated 03.09.2026, the pre-arrest bail of the instant Accused/Applicant was cancelled. However, this fact has not been brought to the notice of the Court by the Applicant. It is submitted by the learned Public Prosecutor that from the record as well as from the inputs received from the Investigating Officer it appears that recording of the statements of the other accused persons have been completed except for the instant Applicant owing to his absence and his repeated avoidance of notices issued by the Investigating Officer requiring him to appear for investigation. Learned Public Prosecutor, therefore, submits that the assurance given by the Applicant that they will henceforth comply with the requirements of the Investigating Officer cannot be trusted. In such circumstances, keeping in mind the conduct of the Accused during the investigation that has been conducted so far, as no grounds has been made out to give him a pre arrest bail, the learned Public Prosecutor prays that the instant application may be rejected.

8. Upon hearing the learned counsels and upon perusal of the Case Diary, it is seen that the instant FIR was registered on 24.06.2026. The records indicate that the investigation has been conducted diligently and there appears to be no undue delay on the part of the Investigating Officer. It is an admitted position that the instant Applicant has failed to enter appearance before the Investigating Officer whenever required and that though he is cooperating with the investigation, he has not been able to enter physical appearance before the Investigating Officer till date. This Court vide order dated 28.09.2026 had granted ad-interim bail to the applicant with a bond of Rs. 30,000/- (Rupees Thirty Thousand only) to the satisfaction of the Arresting Authority. Considering the date of the registration of the FIR, the contents of the Case Diary which have been produced before the Court today, the admitted position that the Accused/Applicant has not been able to make himself available to the Investigating Officer in the course of the investigation of the instant case, this Court does not find any reasonable ground to allow the application by granting pre-arrest bail to the Applicant.

9. Accordingly, this Court is of the view that the interim order issued by this Court cannot be regularized. On the contrary, based on the facts of the case as well as the materials placed before this Court, the instant application stands rejected.

10. In view of the above, the application stands disposed of.

JUDGE

Comparing Assistant