

GAHC010141542026



2026:GAU-AS:10975

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

Case No. : AB/1552/2026

SHRI MOHESWAR NEOG ALIAS MAHESWAR NEOG
S/O INDESWAR NEOG, R/O DEKA GAON, NEAR VODAFONE TOWER,
BHATEMARA, P.O. JORHAT, P.S PULIBOR, DISTRICT JORHAT, ASSAM, PIN
-785001.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : DR. S R A NASER, MR S AHMED, MR. M R SODIAL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 07.08.2026

Heard Mr. M. R. Sodial, learned counsel appearing for the applicant and Mr. B. Sharma, learned Additional Public Prosecutor appearing for the State respondents.

2. By way of this application filed under Section 482 of the BNS, 2023, the applicant, namely, **Shri Moheswar Neog @ Maheswar Neog**, who is apprehending arrest, seeks anticipatory bail in connection with **Moranhat P.S. Case**

No. 25/2026, registered under Sections 318(3)/319(2)/69/83/316(2)/336(3)/82(2)/351(3) of the BNS.

3. The brief facts of the case are that the applicant, who is an advocate by profession, allegedly connived with the principal accused in coercing the informant into entering into a marriage with the said accused by getting their marriage registered, which was subsequently found to be based on a fake marriage certificate.

4. Mr. M. R. Sodial, learned counsel appearing for the applicant, submits that the applicant had never visited the house of the informant on the date of the alleged incident, i.e. 21.07.2023, and, therefore, the allegation that he had deceived the informant into getting her marriage registered with the principal accused is without any factual foundation.

5. Mr. B. Sharma, learned Additional Public Prosecutor, submits that, as per the case diary received, the marriage certificate in question is a forged one.

6. I have given my anxious consideration to the submissions advanced by the learned counsel appearing for the parties and have also perused the materials available on record.

7. The object of granting anticipatory bail is to protect the liberty of an individual against unnecessary arrest while at the same time ensuring that the investigation is not hampered. While considering an application under Section 482 of the BNSS, 2023, the Court is required to strike a balance between the fundamental right to personal liberty and the interest of a fair and effective investigation. In doing so, the Court is required to consider, inter alia, the nature and gravity of the accusation, the specific role attributed to the applicant, the necessity of custodial interrogation, the stage of investigation, the likelihood of the applicant absconding or tampering with the evidence or

influencing the witnesses, and his antecedents.

8. In the present case, the allegations against the applicant are undoubtedly serious. The prosecution case is that the applicant, who is an advocate by profession, facilitated the registration of a marriage on the basis of a forged marriage certificate. At the same time, the materials placed before this Court indicate that the investigation has substantially progressed and the statements of the material witnesses have already been recorded. The case diary does not disclose any criminal antecedents of the applicant. There is also nothing on record to indicate that, if protected by appropriate conditions, the applicant is likely to abscond, tamper with the evidence, or influence the witnesses. In the facts presently available, this Court is not persuaded that custodial interrogation of the applicant is indispensable for carrying the investigation to its logical conclusion.

9. Having regard to the overall facts and circumstances of the case, the nature of the allegations, the stage of the investigation, the absence of any criminal antecedents, and the apparent absence of any compelling necessity for custodial interrogation, this Court is of the considered view that the applicant has succeeded in making out a case for the grant of anticipatory bail. Needless to observe, the observations made herein are only for the purpose of deciding the present application and shall not be construed as an expression on the merits of the case during trial.

10. Accordingly, it is provided that in the event of arrest, the applicant named above, shall be released on pre-arrest bail in connection with the above noted case, on furnishing bail bond of **Rs. 30,000/- (Rupees Thirty Thousand), with one surety of like amount to the satisfaction of the arresting authority**, subject to the following conditions:-

i) That the applicant shall appear before the Investigating Officer within 10 days, failing which on and from the 11th day, the pre-arrest bail order shall have no force;

ii) That the applicant shall not directly or indirectly make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any Police Officer.

iii) That the applicant shall not tamper with, destroy, or alter any evidence related to this case.

iv) That the applicant shall furnish his mobile number to the investigating officer and keep the same operational during the course of the investigation.

v) That the applicant shall not leave the territorial jurisdiction of the State of Assam without informing the investigating officer until submission of the police report.

vi) That the applicants shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

11. The anticipatory bail application, accordingly, stands disposed of.

JUDGE

Comparing Assistant