

News

A former Nagaland judge accused of embezzling bail bond is given relief by the Supreme Court.



While serving as the Principal District & Sessions Judge in Dimapur, the judge is accused of exploiting bail sureties totaling ₹14.35 lakh.

Inalo Zhimomi, a former Principal District and Sessions Judge of Dimapur, was granted anticipatory bail by the Supreme Court on June 16 in relation to a criminal case involving the embezzlement of nearly ₹14 lakh in cash surety deposits [**Inalo Zhimomi vs. The State of Nagaland**].

After noting that the Gauhati High Court had not yet wrapped up its hearing on Zhimomi's anticipatory bail plea and had requested the case diary for additional review, a bench of Justices **Ujjal Bhuyan and Manmohan** issued the judgment.

"We have reviewed the High Court's contested order. We believe that the petitioner should be given pre-arrest bail until the High Court makes a decision because the High Court has concluded it is necessary to call for the case diary for additional review," the top court ruled.

On behalf of Zhimomi, advocate Siddhartha Borgohain informed the court that Nagaland's bail surety process differs significantly from other states' systems. He argued that the monetary sureties are placed in a specific court account rather than the district treasury.

In Nagaland, this is quite unexpected. Typically, the court issues bail bonds in bail cases. The bailers deposit FDs and deliver them to the court against the bond amount. After that, the court employees put it in the state treasury. That is not true in Nagaland's situation. When I was CJM in 2013, I even brought attention to this problem," Borgohain said.

The bench then asked for information regarding the funding process.

The Court questioned, *"But where does the money go?"*

"It takes into consideration," Borgohain said.

"Which account?" The bench exerted pressure.

"In response to a specific court account," Borgohain said.

The Court requested proof of deposit, noting that the claim was that ₹14.35 lakh had not been placed in the Treasury.

"Please provide proof that it was placed. According to the claim, ₹14.35 lakhs that were collected have not been deposited. "You acknowledge that it hasn't been deposited," the bench noted.

When the judge was transferred from Dimapur, Borgohain asserted that the money had actually been deposited and that evidence had been turned over.

"The deposit slip for the full amount was given when I was transferred from Dimapur," he stated.

The case started with a formal complaint filed under the Bharatiya Nyaya Sanhita (BNS)

under Sections 316(4)/(5) (criminal breach of trust), 337 (forgery of court record), and 3(5) (criminal conspiracy) in response to the Gauhati High Court's orders. The complaint claimed that the judge had collected but failed to deposit ₹14.35 lakh in bail monies associated with 28 criminal cases. A letter from the present Principal District Judge of Dimapur served as the basis for the FIR.

Zhimomi denied the accusations, claiming that as early as 2013, he had voiced systemic concerns about cash surety procedures. He had written to the High Court's Protocol Judge while serving as Kohima's Chief Judicial Magistrate, pointing out irregularities in the way bail bond sums were handled, according to his writ petition, which is currently pending before the Gauhati High Court.

He said that the administrative side of the High Court had not taken the proper corrective action and that it is a common practice throughout Nagaland to fail to deposit surety money in the district treasury.

In accordance with the Nagaland Services (Discipline and Appeal) Rules, 1967, Zhimomi was suspended and given a show-cause notice after being appointed District and Sessions Judge at Mon. According to Rule 20(2) of the Nagaland Judicial Service Rules, 2006, he was forced to retire on March 25.

Since then, he has argued that the disciplinary procedure violates Supreme Court precedents and natural justice. When the Registrar (Vigilance) appointed an Inquiry Officer while his writ petition was still pending, Zhimomi raised procedural objections regarding the validity of conducting a disciplinary inquiry following mandatory retirement.

On May 29, the Gauhati High Court had previously denied his request for anticipatory relief. He cited the 1991 ruling in *K Veeraswami v. Union of India* at the Supreme Court to support his claim that a judge might be charged with a crime without first consulting the Chief Justice of India.

Zhimomi further argued that although he was given a copy of the FIR, other important documents, including the bail registry and the letter from the Principal District Judge, were not provided.

He is currently protected from arrest by the Supreme Court, which has ordered him to assist with the inquiry until the High Court rules on his plea.