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2026:GAU-AS:12446

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

Case No. : Bail Appln./2486/2026

FORID UDDIN
SON OF LATE ATBAR UDDIN, R/O VILL. BAMUNGAON, P.O. TINIALI BAZAR, P.S. LANKA, DIST. HOJAI, ASSAM, PIN 78244

2: HIFJUR RAHMAN
SON OF LATE ATBAR UDDIN AND RESIDENTS OF VILLAGE BAMUNGAON
P.O. - TINIALI BAZAR
P.S. LANKA
DISTRICT - HOJAI ASSAM
PIN 7824

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. D P BORAH, MR B PAUL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

28.08.2026

1. Heard Mr. D.P. Borah, learned counsel appearing for the petitioners. Also heard Mr. B. Sarma, learned APP for the State of Assam.

2. By this application, the petitioners have prayed for the grant of bail in connection with Lanka Police Station Case No. 132/2026 registered under Sections 318(4), 316(2) and 61(2) of the BNS, 2023.

3. The First Information Report, in connection with which the petitioners were arrested, was lodged on 19.06.2026 by the informant stating inter alia that he is the proprietor of Sakib Telecom Computer and that the petitioners along with another accused person are engaged in the nursery business. The informant further stated that he was acquainted with the accused persons, including the petitioners and that he had paid a total amount of Rs. 46,14,000/- to them on different occasions through bank transactions as well as in cash.

4. It was further alleged in the FIR that petitioner No. 1 along with another accused person had entered into an agreement with the informant to repay the said amount. It was agreed that in the event petitioner No. 1 failed to repay the amount petitioner No. 2 and the other accused person would be liable to repay the same. It was also alleged that the petitioners along with the other accused person had issued cheques to the informant towards repayment of the amount, however, the said cheques were dishonoured on account of insufficiency of funds. Accordingly, the informant alleged that the petitioners and the other accused person had cheated him.

5. Mr. D.P. Borah, learned counsel appearing for the petitioners submits that the instant case arises out of a business transaction and involves monetary disputes between the informant and the accused persons. He further submits that the allegations made in the FIR essentially disclose a dispute of a civil nature.

6. However, Mr. B. Sharma, learned Additional Public Prosecutor appearing for the State, submits that the ingredients of the offence of cheating are writ large from the allegations made in the FIR and, therefore, the petitioners ought not to be granted the privilege of bail.

7. Upon consideration of the submissions made by the learned counsel for the parties and more particularly having regard to the fact that the contents of the FIR prima facie disclose a dispute of a civil nature between the parties, this Court deems it fit and proper to enlarge the petitioners on bail on furnishing bail bonds of Rs. 20,000/- each with one local surety each for the like amount to the satisfaction of the learned Chief Judicial Magistrate, Hojai subject to the following conditions:

(i) the petitioners shall appear before the Court as and when called for,

(ii) the petitioners shall not hamper and tamper with the evidence of the case and/or influence the witnesses and

(iii) the petitioners shall not leave their residence without prior permission of the CJM, Hojai.

8. The Bail Application stands disposed of accordingly.

JUDGE

Comparing Assistant