GAHC010128602026

2026:GAU-AS:15339

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

Case No. : WP(C)/3530/2026

ASHADULLAH
S/O ABDUL KADIR, R/O NEAR L P SCHOOL SHILLONGANI, BHAKAT GAON, NAGAON, ASSAM, PIN -782002

VERSUS

UNION OF INDIA AND ANR
THROUGH SECRETARY, MINISTRY OF HOME AFFAIRS, NORTH BLOCK, RAISINA HILLS, DELHI - 110001

2:BANDHAN BANK
REPRESENTED BY ITS BRANCH MANAGER
NAGAON BRANCH
AT ROAD
MARWARIPATTY
NAGAON
ASSAM 78200

Advocate for the Petitioner : MR. NOOR KUTUB ALAM, MR C GOGOI
Advocate for the Respondent : DY.S.G.I.,

- B e f o r e -

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

12.10.2026

1. Heard the learned counsel for the parties.

2. Considering the nature of the controversy involved and the materials placed on record, the present petition is taken up for final disposal at the admission stage itself.

3. The petitioner has stated that he maintains a Standard Savings Bank Account No. 50170011544547 at the Bandhan Bank, Nagaon Branch, AT Road, Marwaripatty and his entire transactions are conducted through the said Savings Bank Account. The petitioner has stated that the said account has been kept debit freezed/frozen by the respondent authorities on receipt of a complaint regarding two suspicious transactions amounting to Rs. 5000/- and Rs. 7000/- respectively.

4. According to the petitioner, the alleged fraudulent transaction is to the extent of Rs. 5000/- & Rs.7000/-, whereas an amount of Rs.2,04,675/-was lying in the said Bank Account. The petitioner accordingly, approached the concerned Branch Manager and also submitted representation praying for removal of the debit restriction and for permitting him to operate the account. As no action was taken, the present writ petition has been filed.

5. I have considered the rival submissions advanced by the learned counsel for the parties and the materials available on record.

6. It is not in dispute that the action of the respondent Bank was initiated on the basis of the information/instruction received from the Law & Enforcement Agency in connection with the investigation of a cyber offence.

7. Therefore, this Court would not be justified in issuing any

direction which may have the effect of frustrating or prejudicing the investigation. The materials on record do not indicate that the entire amount lying in the account represents the proceeds of the alleged fraudulent transaction or that the entire balance is required to remain under restraint for the purpose of the investigation.

8. The grievance of the petitioner, therefore, needs to be approached by maintaining a balance between the interests of bonafide investigation into cyber offence, which undoubtedly requires effective measures for the preservation of the suspected proceeds of crime and the right of an account holder to operate his Bank Account in respect of the amount which are not presently shown to be required for such an investigation.

9. A complete restraint on the operation of the account in the facts and circumstances of the present case is not warranted. At the same time, this Court is conscious of the stand of the respondent Bank that the transactions in the said account require scrutiny and that the petitioner has not furnished all documents sought to establish the nature of his business activities. Those are the matters which may appropriately be examined by the competent investigating agency.

10. The present order therefore shall not be construed as expressing any opinion on the nature of legality of the present transactions in the account or on the merits of any investigation.

11. Accordingly, the respondent Bank is directed to permit the petitioner to operate his Savings Bank Account bearing No. 50170011544547 at Bandhan Bank, Nagaon Branch, AT Road, Marwaripatty

and the same shall continue until an appropriate order is passed by the competent investigating authority.

12. The respondent Bank shall, however, be at liberty to act upon any further lawful order or instruction issued by the competent investigating agency or any Court of competent jurisdiction in connection with the investigation.

13. The petitioner shall also furnish an appropriate undertaking/bond before the respondent Bank to indemnify it against any loss or liability, which may arise on account of any fraudulent or unlawful transaction attributable to the petitioner in connection with the aforesaid account.

14. It is made clear that this order shall not prevent the competent investigating agency from proceeding with the investigation in accordance with law including taking steps in respect of the account as may be permissible under law.

15. The instant writ petition stands disposed of with the aforesaid terms.

JUDGE

Comparing Assistant