GAHC010213602026

2026:GAU-AS:15106

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

Case No. : Bail Appln./2879/2026

ABDUL JILANI AND 2 ORS.
SON OF JOYNNUDDIN RESIDENT OF NO 2 TUPAMARI POLICE STATION
NAGARBERA DISTRICT KAMRUP ASSAM

2: ABDUR ROHIM
SON OF LATE NUR UDDIN RESIDENT OF NO 2 TUPAMARI POLICE STATION
NAGARBERA DISTRICT KAMRUP ASSAM

3: SHAJIDUL HOQUE
SON OF MOINUL HOQUE RESIDENT OF NO 2 TUPAMARI POLICE STATION
NAGARBERA DISTRICT KAMRUP ASSAM
VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP
ASSAM

Advocate for : MR. A PARAMANIK
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

07.10.2026

Heard Mr. A. Paramanik, learned counsel for the accused and Mr. P. Borthakur, learned Additional Public Prosecutor for the State.

2. This application, under Section 483 of the BNSS, is preferred by accused persons, namely, **Abdul Jilani; Abdur Rohim** and **Shajidul Hoque**, who have been languishing in jail hazot, since 12.09.2026, in connection with Nagarbera PS Case No. 62/2026, under Sections 317(2)/317(4)/318(4)/61(2) of the BNS, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by SI Champak Kalita, on 09.09.2026.

3.1. The essence of allegation in the FIR, dated 09.09.2026, is that acting on a tip off, regarding cyber fraud and operation of mule bank accounts, the informant and his staff had conducted a search at the residential premises of one Sahadat Alom Ahmed and during the search, a substantial quantity of banking and financial documents, passbooks, debit cards, credit cards and account opening documents, relating to different persons were recovered and seized. Thereafter, another search was conducted at the residential premises of one Rafiqul Islam and during the search of his premises, several articles like passbooks, pan cards, aadhar card, debit cards, credit cards and account opening documents, mobile phones and vehicles were seized.

4. Mr. Paramanik, learned counsel for the accused persons, submits that the present accused persons were arrested on 12.09.2026 and since then they have been languishing in jail hazot for last 28 days and that they were innocent and no way involved with the offence alleged in the FIR. Mr. Paramanik further submits that the seized bank related articles are not recovered from their possession and that they are ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. Per-contra, Mr. Borthakur, learned Additional Public Prosecutor has

produced the case diary before this Court and submits that the IO has collected sufficient incriminating materials against the present accused persons and that the investigation is still going on and as such, their custodial detention is required in the interest of investigation and therefore, Mr. Borthakur has contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, this Court has carefully gone through the petition as well as the documents placed on record and also perused the case diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the present accused persons were arrested on 12.09.2026 and since then they have been languishing in jail hazot for last 28 days. Further, in view of the materials collected so far in the case diary against the present accused persons and also the role played by them with the offence alleged in the FIR and the progress of investigation and further considering their period of detention, this Court is of the view that their further custodial detention may not be warranted in the interest of investigation.

8. Accordingly, this Court is inclined to allow this petition. It is provided that on furnishing a bond of Rs. 50,000/- each only, with one surety of like amount to the satisfaction of the learned **Judicial Magistrate First Class, Boko, Kamrup**, the present accused persons be enlarged on bail.

9. In terms of above, this bail application stands disposed of.

10. The case diary be returned.

JUDGE

Comparing Assistant