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2026:GAU-AS:15106

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

Case No. : AB/2328/2026

ROFIQUL ISLAM
SON OF SAMSER ALI RESIDENT OF ROUMARI POLICE STATION BOKO
DISTRICT KAMRUP ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP
ASSAM

Advocate for : MR. K N CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

07.10.2026

Heard Mr. K.N. Choudhury, learned senior counsel, assisted by Mr. P. Kalita, learned counsel for the applicant and Mr. P. Borthakur, learned Additional Public

Prosecutor for the State respondent.

2. Apprehending arrest in connection with Nagarbera PS Case No. 62/2026, under Sections 317(2)/317(4)/318(4)/61(2) of the BNS, this application, under Section 482 of the BNSS, is preferred by the applicant, namely, Rofiqul Islam, for grant of pre-arrest 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. Choudhury, learned counsel for the applicant, submits that the present applicant is innocent and no way involved with the offence alleged in the FIR and that while the applicant was absent in his house, his wife was arrested by the police and she has already been granted bail by this Court, after perusing the case diary. Mr. Choudhury further submits that though large number of bank related articles were recovered from his house, yet the same belongs to the customers, as the applicant has customer service point at Mahatoli Bazar, Sontuli, under SBI Luki Branch and PNB, Goroimari Branch and that the

applicant is ready to cooperate with the investigating agency and therefore, Mr. Choudhury has contended to allow this petition.

5. Per-contra, Mr. Borthakur, learned Additional Public Prosecutor, producing the case diary before this Court, submits that the applicant has been absconding since the commission of the offence and his wife is also involved with the offence and she was therefore arrested. Mr. Borthakur further submits that large number of bank related articles were recovered from his possession and that co-accused are yet to be arrested and if the present applicant is enlarged on pre-arrest bail, at this stage, it will hamper the investigation and therefore, he has contended to dismiss this petition.

6. Having heard the submission 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 from the case diary that huge quantity of ATM Cards, Debit Cards, Passbook and account opening forms were recovered from the house premises of the present applicant and he has been absconding since the day of commission of the offence. Further, investigation is still going on and some of the accused persons are yet to be arrested and as such, custodial interrogation of the present applicant seems to be warranted in the interest of investigation so as to ascertain how such huge number of bank articles comes to his possession.

8. The offences alleged in the FIR serious in nature relating to cyber network fraud and therefore, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be extended to the present applicant and

therefore, this application stands dismissed.

9. Case diary be returned.

JUDGE

Comparing Assistant