GAHC010232062026

2026:GAU-AS:16929

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

Case No. : AB/2652/2026

MUSTAFIZUR RAHMAN AND 2 ORS.
S/O JULFIKKAR ALI, R/O VILL SIALMARI, NEPALIGAON, DALGAON GRANT, DIST DARRANG, ASSAM, PIN 784116

2: AL AMIN ALIAS ALI
S/O JULFIKKAR ALI
R/O VILL SIALMARI
NEPALIGAON
DALGAON GRANT
DIST DARRANG
ASSAM
PIN 784116

3: SIDDIQUE ALI
C/O MD BACHU SEIKH
R/O VILL SIALMARI
NEPALIGAON
DALGAON GRANT
DIST DARRANG
ASSAM
PIN 78411

VERSUS

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

Advocate for the Petitioner : MR. A S TAPADER, MR M AHMED,MR. D H MOZUMDER

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

17.11.2026

1. Heard Mr. A.S. Tapader, learned counsel appearing for the petitioners. Also heard Ms. S.H. Borah, learned APP appearing for the State of Assam.

2. By this application the petitioner has prayed for pre-arrest bail in connection with Rowta P.S. Case No. 68/2026 registered under Sections 112(2)/318(4)/317(2)/61(2)/121(1) of the BNS, 2023.

3. The FIR in connection with which the petitioners apprehend arrest was lodged by police personnel stating *inter alia* that upon receiving information regarding gaming-cum-cyber fraud activities being carried out in the Koupati area police personnel along with their staff conducted an ambush. During the operation, one Sofiqul Islam was apprehended while allegedly withdrawing money suspected to be proceeds of cyber fraud. It is further stated in the FIR that the said Sofiqul Islam disclosed the names of the present petitioners as persons involved in the alleged offence. The FIR also alleges that on several occasions, the said Sofiqul Islam had handed over various SIM cards to the petitioners. It is further alleged that after withdrawing the money, Sofiqul Islam used to hand it over to the concerned account holders and in cases where he does not hand over the same to them he would deliver it to the petitioners. It is also stated that the house of petitioner No. 1 was searched during which various

articles allegedly connected with the cyber-fraud activities were recovered.

4. The learned counsel appearing for the petitioners submits that their names were disclosed only by the co-accused and that no specific materials have been found against them to establish their alleged involvement in the cyber-fraud activities.

5. On the other hand, Ms. S.H. Borah, learned APP on perusal of the case diary submits that upon search of the house of petitioner No. 1 various ATM cards, passbooks and other articles were recovered as reflected in the seizure list. She further submits that insofar as petitioner No. 2 is concerned although he was earlier enlarged on interim pre-arrest bail subject to the condition that he would appear before the Investigating Officer, he appeared only once and thereafter could not be traced when the Investigating Officer called upon him to appear again.

6. As regards petitioner No. 3, the learned APP submits that he was also found to be involved in the alleged cyber-fraud activities. She has further placed before this Court the statements of the victims who have stated that their bank accounts were used for the commission of cyber fraud with the proceeds thereof being deposited into their accounts and subsequently withdrawn by the accused persons. The said statements were recorded by the learned Magistrate under Section 183 of the BNSS.

7. In view of the fact that the allegations against the petitioners appear to have been substantiated during the course of investigation, this Court at this stage does not deem it appropriate to enlarge the petitioners on pre-arrest bail.

8. Further, the interim order passed in favour of petitioner No. 2 is hereby vacated.

9. Accordingly, the petition stands rejected at this stage.

JUDGE

Comparing Assistant