GAHC010236202026

2026:GAU-AS:16657

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

Case No. : Bail Appln./3406/2026

SAIFUL ISLAM AND 3 ORS
S/O- ABDUL JALIL.
VILLAGE - NO.1 TUPAMARI, P.S.- NAGARBERA, DISTRICT - KAMRUP, ASSAM

2: INTADUL HAQUE @ IMDADUL HOQUE
S/O- TARA MAYA
R/O- VILLAGE - NO.1 TUPAMARI
P.S.- NAGARBERA
DISTRICT - KAMRUP
ASSAM

3: HABEL UDDIN
S/O- HABEJ ALI KHAN.
VILLAGE - MANDIRA NC
P.S.- BOKO
DISTRICT - KAMRUP
ASSAM

4: MASUD HUSSAIN
S/O- JAKIR HUSSAIN.
VILLAGE - NO.1 TUPAMARI
P.S.- NAGARBERA
DISTRICT - KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR S K CHHETRY, H. RAHMAN,MR. N UDDIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 11.11.2026

Heard Mr. N. Uddin, learned learned counsel for the accused. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 483 of the BNSS, is preferred by accused, namely, **1. Saiful Islam, 2. Intadul Haque @ Imdadul Hoque 3. Habel Uddin, 4. Masud Hussain,** who have been languishing in jail hazot, since **23.09.2026,** and accused No.4 has been languishing in jail hazoot since **28.09.2026,** in connection with Nagarbera P.S. 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, aadhaar card, debit cards, credit cards and account opening documents, mobile phones and vehicles were seized.

4. Mr. Uddin, learned counsel for the accused, submits that accused **Saiful Islam, 2. Intadul Haque @ Imdadul Hoque 3. Habel Uddin,** have been languishing in jail hazot, since **23.09.2026,** and accused No. **4. Masud Hussain,** has been languishing in jail hazoot since **28.09.2026.** Mr. Uddin also submits that the accused are innocent and no way involved with the offence alleged in the FIR and they are ready to cooperate with the investigating agency, and in the meantime the I.O. might have collected all the relevant materials and under such circumstances, the question of hampering investigation or tampering witnesses does not arise, and accordingly, it is contended to allow the petition.

5. Per contra, Mr. Baruah, learned Additional Public Prosecutor, has opposed the petition. By referring to the materials collected so far in the case diary, Mr. Baruah submits that that investigation is going on and some of the co-accused are absconding, and if the accused persons are enlarged on bail at this stage, it will misdirect the investigation, and therefore he 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 and the documents placed on record and also perused the case diary with the assistance of Mr. Baruah, learned Additional Public Prosecutor.

7. The case diary indicates that the I.O. has collected relevant materials during the course of investigation and the accused Nos. 1, 2 and 3 are behind the bar since 23.09.2026, and accused No. 4 is behind the bar since 28.09.2026.

8. In view of the period of detention as well as the progress of investigation, qua the present accused persons, their further custodial detention, in the interest of investigation, seems to unwarranted herein this case, and accordingly, this Court is inclined to allow this petition.

9. It is provided that on their furnishing a bond of Rs. 25,000/-, each, with one surety of like amount to the satisfaction of the learned Judicial Magistrate First Class, Boko, the accused persons be enlarged on bail.

10. In terms of above this bail application stands disposed of. The case diary be returned.

JUDGE

Comparing Assistant