GAHC010252992026

2026:GAU-AS:16924

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

Case No. : AB/2916/2026

KHALIL AHMED HUSSAIN
S/O- HAFIZ ATAUR RAHMAN HOUSE NO.-60 VILL- KHAIRAMARI, PS-DHING, PO-KANDULIMARI DIST-NAGAON.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM.

Advocate for the Petitioner : MR. B K DAS,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

17.11.2026

1. Heard Mr. B.K. Das, learned counsel appearing for the petitioner. Also heard Mr. R.J. Baruah, learned APP appearing for the State of Assam.

2. By this application the petitioner has prayed for pre-arrest bail in connection with Hatigaon P.S. Case No. 189/2026 registered under Sections 318(4)/351(2)/61(2) of the BNS, 2023.

3. The FIR in connection with which the petitioner is apprehending arrest was lodged by the victim himself on 30.07.2026 stating *inter alia* that he had been introduced to one Mokib Uddin Ahmed through a common friend, pursuant to which the said Mokib Uddin Ahmed had taken an amount of Rs. 30,00,000/- (Rupees thirty lakh) from him on the pretext of investing the same in the share market as well as in crypto currency. He further alleged that he subsequently came to know that a racket of fraudulent persons was operating by collecting money from unsuspecting individuals and that he had fallen victim to the said criminal conspiracy. He also stated that after receiving the money the said Mokib Uddin Ahmed had become untraceable.

4. The learned counsel appearing for the petitioner submits that the name of the petitioner does not figure in the FIR and that he is apprehending arrest only on the ground that he is a friend of the said Mokib Uddin Ahmed and that certain monetary transactions had taken place between the petitioner and the said Mokib Uddin Ahmed.

5. On the other hand Mr. R.J. Baruah, learned APP appearing for the State submits that the police have alleged the commission of the offence of criminal conspiracy and that certain amounts of money were deposited by the said Mokib Uddin Ahmed into the petitioner's bank account. He therefore prays that the case diary be called for to ascertain the entire gamut of the case.

6. Upon consideration of the submissions made by the learned counsel for the parties, more so in view of the fact that no specific allegation has been made against the present petitioner in the FIR and although certain amounts are seen to have been deposited into the petitioner's bank account by the said Mokib Uddin Ahmed, it is not discernible at this stage whether the said transactions

are connected with the alleged cyber fraud, this Court is inclined to grant the petitioner the privilege of pre-arrest bail on furnishing a bail bond of Rs. 20,000/- (Rupees twenty thousand) with one local surety of a like amount to the satisfaction of the Arresting Authority subject to the following conditions:

(i) The petitioner shall positively appear before the Investigating Officer within a period of 15 days from today and cooperate with the investigation without fail,

(ii) The petitioner shall not hamper and tamper with the evidence of the case, and/or influence the witness connected with the case; and

(iii) The petitioner shall not leave his without prior permission of the Investigating Officer.

7. Accordingly, this Anticipatory Bail Application stands disposed of.

JUDGE

Comparing Assistant