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

Case No. : AB/3027/2026

MAJIDUL HUDA
SON OF NURUL HUDA NUR HUDA, RESIDENT OF VILLAGE DAKHIN KHATOWAL, P.S. RUPAHIHAT, DISTRICT NAGAON, ASSAM.

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. I U CHOWDHURY, JANIFAR RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

25.11.2026

1. Heard Mr. I. U. Chowdhury, learned counsel for the petitioner and Mr. M. P. Goswami, learned Additional Public Prosecutor for the State.

2. By this application, the petitioner has prayed for pre-arrest bail in connection with Golaghat P.S. Case No. 203/2026 registered under Sections 316(4)/318(3) of BNS, 2023.

3. The FIR in connection with which the petitioner is apprehending arrest was lodged by one, Akhtar Jahan stating *interalia* that she purchased a used vehicle from a dealer namely Mahi Motors and that a sale deed was given to her and she had given Rs 65,000/- to the employees of the said dealer on the spot and another amount of Rs 3,00,000/- by account transfer to the petitioner's account who is the employee of the said dealer. She further submits that neither the original sale deed was given to her and the vehicle was not transferred in her name.

4. Learned counsel for the petitioner submits that if at all any offence is made out, the same is a civil dispute and that the petitioner is only an employee of the dealer who had collected the money from the informant and given it to the Company.

5. On the other hand, Mr. M. P. Goswami learned Additional Public Prosecutor submits that the allegations set out in the FIR make out an offence of cheating and that he objects to grant of bail at this stage.

6. Upon consideration of the submissions made by the counsels, moreso, in view of the fact that the petitioner is only an employee in the dealership and also due to the fact that there is no specific allegation that the petitioner had misappropriated the money, this Court enlarges the petitioner on pre-arrest bail on furnishing of bail bond of Rs. 20,000/- with one local surety up to the satisfaction of the Arresting Authority under 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.

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

JUDGE

Comparing Assistant