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

Case No. : Bail Appln./3903/2026

MOKIB UDDIN AHMED
S/O MD. ALI, RESIDENT OF VILLAGE-GUNAIBORI, P.S.-MOIRABARI, DISTRICTMORIGAON, ASSAM ALSO RESIDING AT GHORAMARA, HATIGAON, GUWAHATI.

VERSUS

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

Advocate for the Petitioner : MR B P BORAH, MR. A KHANDAKAR,MR P J DUTTA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 26.11.2026

Heard Mr. D. P. Borah, learned counsel for the petitioner and Ms. S. H. Borah, learned Addl. Public Prosecutor for the State of Assam.

2. By this application the petitioner has prayed for bail in connection with Hatigaton P.S. Case No. 189/2026, registered under Sections 318(4), 351(2),

61(2) of BNS, 2023.

3. The FIR, in connection with which the petitioner was arrested on 25.10.2026, was lodged by the victim himself, stating, inter alia, that a priest had introduced him to the petitioner by representing that the petitioner was a businessman engaged in investing in digital crypto currency and the share market. The priest further represented that, if the victim invested in the petitioner's business, he would receive three times the principal amount. The victim further stated that he had invited the petitioner to his residence and handed over an amount of Rs. 30,00,000/- (Rupees Thirty Lakhs only) to him for investment in the said business. However, it is alleged that the petitioner had cheated several persons and that, although an amount of Rs. 2,50,000/- was returned to the victim, the remaining amount was not returned and the petitioner was no where found.

4. The learned counsel for the petitioner submits that the petitioner had, at no point of time, induced the informant to part with his money and, as such, the essential ingredients of the offence of cheating are not attracted.

5. Ms. S. H. Borah, learned Additional Public Prosecutor appearing for the State of Assam, on the other hand, submits that, on being instructed by the petitioner, the informant had parted with an amount of Rs. 30,00,000/- (Rupees Thirty Lakhs only), out of which only Rs. 2,50,000/- (Rupees Two Lakhs Fifty Thousand only) was returned, and the petitioner had misappropriated the remaining amount.

6. Upon consideration of the submissions made by the learned counsel for

the parties, more particularly, in view of the fact that no allegation of inducement on the part of the petitioner is discernible from either the FIR or the forwarding report, and also considering the fact that the petitioner has been inside the jail for the last 31 days, this court enlarges the petitioner on bail on furnishing of a bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with one local surety of the like amount to the satisfaction of the CJM, Kamrup (M) under the following conditions:

(i) The petitioner shall positively appear before the IO/Trial Court without fail as and when call for.

(ii) The petitioner shall not approach and/or influence any of the witness connected with the case; and

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

7. The Bail application stands disposed of.

JUDGE

Comparing Assistant