GAHC010286132025

2026:GAU-AS:15064

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

Case No. : AB/3043/2025

ATABUR RAHMAN
S/O LAT AZFOR ALI
R/O VILL- DOBOKA TOWN,
P.O. AND P.S. DOBOKA
DIST. HOJAI, ASSAM
PIN-781103

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. T N DAS, MS JUTISMITA DAS,MR KRISHNANGSHU B,MS PURABI DEKA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 07.10.2026

Heard Ms. J. Das, the learned counsel for the petitioner and Mr. B. Sarma, the learned Addl. Public Prosecutor for the State of Assam.

2. By this application, the petitioner has prayed for pre-arrest bail in connection with Haflong Police Station Case No. 61/2025, registered under Sections 318(3), 336(3), 338 of BNS, 2023.

3. The FIR in connection with which the petitioner is apprehending arrest was lodged by one, Ponjit Kemprai on 04.09.2025, stating *inter alia*, that he got introduced with the petitioner and that the petitioner approached him to lease out a part of his land for installation of BSNL tower on the promise that, he will be given Rs. 14,000/- (Rupees Fourteen Thousand) per month. It was also stated that, an agreement was entered into between the petitioner and the second party, whom he had not seen and that, the petitioner after executing the agreement had taken money from him on different pretext and that an amount of Rs. 54,50,240/- (Rupees Fifty-Four Lakhs Fifty Thousand Two Hundred Forty) only was taken from him, which was not returned by the petitioner.

4. The learned counsel for the petitioner submits that, the allegation that the petitioner had taken an amount of Rs. 41,70,340/-(Rupees Forty-One Lakhs Seventy Thousand Three Hundred Forty) in cash from the informant is not believable.

5. On the other hand Mr. B. Sarma, the learned APP for the State, on perusal of the case records submits that, not only the victim but there are other persons who were cheated by the petitioner on one ground or other. He submits that, the petitioner had projected himself as the employee of the BSNL and had also given certain work orders to some people, which were found to be fake. He further submits that the Hon'ble Supreme Court had held that in case of economic offences, custodial interrogation is required to assertain the gamut of

the entire case.

6. Upon consideration of the submissions made by the learned counsels, more so in view of the fact that, the statement made in the FIR does not project the entire story. This Court had enlarged the petitioner on interim pre-arrest bail on the condition that, the petitioner will appear before the IO for recording his statement and Mr. B. Sarma, the learned APP for the State of Assam, on perusal of the case records submits that the petitioner appeared online and his statement was recorded and as such, it is seen that the petitioner is co-operating with the Investigating Agency. Accordingly, the said order is made absolute with the further condition that he will abide by the condition and direction already mentioned in the interim order.

7. The AB Application stands disposed of.

JUDGE

Comparing Assistant