Crl Misc. Case No 99/26 (u/s 483 BNSS)
Mukalmua PS Case No : 05/26
5/08/2026

1. Petitioner is represented.

2. CD as called for is received.

3. Petitioner **Ismain Hussain** filed petition No 228/26 u/s 483 BNSS praying for bail on behalf of accused **Mohibur Rahman,** who is in judicial custody in connection with **Mukalmua PS Case No : 05/26** u/s 318(4)/316(2)/61(2)(b)/ 323/338/ 336(3)/340(2)/111(2)(b)/111(4) of BNS R/W Sec 43/66/66(c)66(D)/8 4(c) IT Act.

4. The case in brief as seen from the FIR dated 14/1/26 lodged by informant LNK Lalchand Ali of Doulasal OP under Mukalmua PS alleging that the following accused persons namely –i) Jiaur Rahman, ii) Saikul Dewan, iii) Moni Ahmed, iv) Rabial Khan, v) Saiful Khan, vi) Abul Faruk Azad @ Pintu, vii) Bobidul Islam, viii) Golam Ali, ix) Farhad Khan and x) Aneesh Howly are involved in an organized cyber fraud and money laundering racket that has been operating across Barpeta and Nalbari district and a criminal syndicate is using corporate/ current bank account, malicious software, and cryptocurrency plateforms to launder illicit funds and operation was led by one Babidul Islam @ Bobi who co-ordinated the activities through Whatsapp and Telegram. It is further alleged that the syndicate induced individual to open corporate / current bank accounts and the account holders were coerced to surrender their ATM Cards, Cheque books and SIM card and a malicious APK file was

installed in their phones to bypass OTP Security and grant the syndicate remote access to banking systems and approximately Rs. 5 Crore per day was routed through these accounts. It is also alleged that the syndicate takes 4 to 5 % commission and converts the remaining into cryptocurrency and transferred it to binance wallets controlled by accused Bobi and his associates and thereafter the cryptocurrency was converted back to Indian currency through local agents and distributed among the gang members. The informant further stated that in 2023 one accused Jiaur Rahman opened a corporate account with ICICI Bank and used it for fraudulent activities and the accused persons criminally conspired to fraudulently register GST and opened corporate accounts to commit cyber fraud and they committed identity theft, misappropriation of funds and dishonestly induced victims and effected further interest and financial security. Hence, the case.

5. Heard learned PP, who objected to the bail petition stating that the accused person is involved in the alleged offence as seen from the materials available in the FIR and that the nature of offence is grave as it involves criminal conspiracy, identity theft, dishonest misappropriation of money etc. which effects public interest and financial security and hence prayed that the bail petition may be rejected.

6. Heard learned counsel for the petitioner, who submitted that the accused person is innocent and he has been wrongly arrested and he is not connected to the alleged offence. Learned counsel further stated that accused Mohibar

Rahman is not an FIR named accused and there is not documentary evidence against him and prayed that he may be granted bail.

8. IO did not filed bail objection.

7. Perused the case diary and it is seen that investigation in this case has significantly progressed. Perused order dated 29/4/26 passed by the Hon'ble Gauhati High Court in Bail Appln./709/2026 wherein the Hon'ble High Court reflected that the principal accused Babidul Islam has already been granted bail. It is further seen that another accused person namely Abul Faruk Azad @ Pintu has been granted bail by the Hon'ble High Court vide order dated 29/4/26. On perusal of the case diary, it is seen that accused Mohibar Rahman is in judicial custody for about 17 days. Considering that the co-accused persons have been granted bail and also considering the progress in investigation, in the considered opinion of this Court further detention of the accused person in judicial custody can be dispensed with. **As such, the bail petition is allowed and accused Mohibar Rahman is allowed to go on bail of Rs. 50,000/- with two suitable sureties each of the like amount,** I/D in jail, to the satisfaction of Learned Eleka Magistrate and on condition that –

i) The accused person shall continue to co-operate with the trial of the case as when commences well as the investigation of the case as and when requires ;

ii) He shall not hamper the investigation or tamper with the evidence or the case and

iii) He shall not try to influence any persons or witnesses acquainted with facts of the case, in any manner.

8. Return the CD.

9. This Crl. Misc. case stands disposed of.

Addl. Sessions Judge
Nalbari