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2026:GAU-AS:688

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

Case No. : AB/2764/2025

RAJU AHMED
S/O ABDUL ROUF,
R/O VILL HAIDUBI, PO BATAMARI, PS BATADRAVA, DIST NAGAON,
ASSAM

VERSUS

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

Advocate for the Petitioner : MR. M A I HUSSAIN, MD A ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

21.01.2026

1. Heard Mr. M.A.I. Husasin, learned counsel for the petitioner. Also heard Mr. P.Borthakur, learned Additional Public Prosecutor appearing for the State of Assam.

2. This application under Section 482 of the BNSS, 2023 has been filed by the petitioner, namely, Raju Ahmed, who is apprehending his arrest in connection with Batadrava P.S. Case No. 112/2025 under Sections 61(2)/316(5)/318(4)/336(3)/340(2)/3(5)/341(1) of the BNS, 2023.

3. The gist of accusation in this case is that on 10.09.2025, one Surjya Saikia, ASI of Police had lodged an FIR before the Officer-In-Charge of Batadrava Police Station, *inter alia*, alleging that on receipt of an information through reliable sources regarding the fact that the petitioner is involved in some Cyber offences a police team was constituted and it went to the house of the petitioner and conducted search therein.

4. During the search operation one Laptop, one 16 GB Sony Pen Drive, four mobile phones, 10 stamp seals and one notice from Bihar side of Police Station, Kaimur and some other incriminating documents were found therefrom.

5. It is further stated in the FIR that during scrutiny of the materials, it came to light that Cyber Crime Police Station, Kaimur, Batadrava has registered an FIR filed by one Sonu Kumar alleging that he has been defrauded and an amount of Rs. 13,50,000/- was credited to the account of the present petitioner.

6. Apart from the above, certain other bank documents were recovered from the house of the present petitioner which are stated to be fake.

7. The learned counsel for the petitioner has submitted that the petitioner is innocent and has been wrongly implicated in the present case.

8. He submits that he has not received any money from Sonu Kumar as alleged in the FIR. He submits that he has applied for certified copy of the FIR filed by Sonu Kumar before the police station crime and on perusal of the said certified copy of the FIR which is accompanied with certain deposits made by the said Sonu Kumar to various persons, it appears that none of the deposits has been made to the petitioner’s account.

9. He further submits that one of the SBI bank account was recovered from the possession of the petitioner was found to be fake by the petitioner himself and he has never operated the said account.

10. He further submits that he is ready to co-operate in the investigation.

11. On the other hand, learned Additional Public Prosecutor has opposed the grant of anticipatory bail to the petitioner on the ground that sufficient incriminating materials are found against the petitioner on record and during search operation conducted in the house of the petitioner some incriminating documents were also found. He, however, submits that the FSL report in respect of the examination of the electronic recruitment seized from the petitioner is not yet received.

12. The learned Additional Public Prosecutor also submitted that the petitioner also runs two NGO's namely, M/s Abdul Rouf Memorial Foundation and Raima Global Beyond Gateway and he submits that though name of the petitioner does not reflect in the payments made by Sonu Kumar, however, the said accusation is still under investigation and it could have been made to the NGO's run by the petitioner.

13. I have considered the submissions made by the learned counsel for both sides and have gone through the Case Diary. Though accusation has been made against the petitioner regarding his involvement in another case which was registered in Cyber Crime Police Station, Kaimur, however, *prima facie* on perusal of the certified copy of the FIR produced by the petitioner which was filed in Cyber Crime Police Station, Kaimur by one Sonu Kumar, it appears that the petitioner's name does not appear there and the deposits which were made by the said Sonu Kumar is also to some other persons which is reflected in the deposits slip itself moreover, whether any of the phone number mentioned in the said FIR belongs to the petitioner or whether said phone were used by the petitioner is the subject-matter of the investigation of that case, however, as on date no materials is there to indicate that the money deposited by Sonu Kumar was credited in the bank account of the petitioner. Further, the nature of accusation is such in this case if the petitioner co-operates with the Investigating Officer, his custodial interrogation may not be necessary.

14. Hence, the petitioner is directed to appear before the Investigating Officer of Batadrava P.S. Case No. 112/2025, within a period of 10(ten) days from the date of this order and co-operate in the investigation. If he does so within the stipulated period of time, in the event of his arrest in connection with Batadrava P.S. Case No. 112/2025, the above named-petitioner shall be allowed to go on interim bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority, subject to the conditions that:-

(i) the petitioner shall co-operate in the investigation;

and **(ii)** the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other person who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court.

15. With the above observations, this anticipatory bail application is accordingly disposed of.

16. Send back the Case Diary.

JUDGE

Comparing Assistant