

GAHC010287302025



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

Case No. : WP(C)/124/2026

SHOMESH ALI
S/O- FAJOL HOQUE, PRESENT ADDRESS FLAT NO.04, CONCHORD
APARTMENT, ISLAMPUR ROAD, NEAR MAJID, SARANIA HILLS, ULUBARI,
GUWAHATI, KAMRUP METROPOLITAN 781007 PERMANENT ADDRESS-
190, DABANDIA, KALGACHIA REVENUE CIRCLE, GUNIALGURI, BARPETA,
ASSAM- 781319

VERSUS

IDFC FIRST BANK LIMITED AND 3 ORS
HEAD OFFICE -THE SQUARE, C-61, G BLOCK, GROUND FLOOR TO 8TH
FLOOR BANDRA KURLA COMPLEX, BANDRA EAST, MUMBAI-400051.

2:THE BRANCH MANAGER
IDFC FIRST BANK LIMITED GUWAHATI BRANCH
FIRST FLOOR
AG PLAZZA
G.S.ROAD
GUWAHATI
ASSAM 781005.

3:THE UNION OF INDIA
REPRESENTED BY ITS SECRETARY MINISTRY OF HOME AFFAIRS MHA
NORTH BLOCK GOVT OF INDIA NEW DELHI 110001.

4:INDIAN CYBER CRIME COORDINATION CENTRE
14C 5TH FLOOR NDCC II BUILDING JAI SINGH ROAD NEW DELHI 11000

Advocate for the Petitioner : MD. M H CHOUDHURY, MR. S N AHMED, TANZIM L.
CHOUDHURY, R. BARUAH, MS. T Y RASHID, MR MONZUR K CHOUDHURY

Advocate for the Respondent : DY.S.G.I., SC, IDFC FIRST BANK

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

21.01.2026

Heard Md. M.H. Choudhury, learned counsel for the petitioner.

2. Mr. M. Sarma, learned Standing Counsel, IDFC First Bank submits that as per the instructions received from the respondent No.4, the account of the petitioner has been frozen on the ground that an amount of Rs.796.19 was credited to the said account, in respect of which a cyber complaint filed in the State of Andhra Pradesh as a consequence thereof, the entire amount has been frozen.

3. The learned counsel for the petitioner on the other hand submits that this account is used for meeting of his business as well as the family expenses and his entire balance of the account has been frozen causing hardship in running his business as well as meeting his personal requirements.

4. The learned counsel for the petitioner has enclosed a copy of the bank statements of the said account to submit that no such amount is shown to be credited to the account of the writ petitioner, therefore, steps be directed to be taken by the bank authorities to freeze the account is on non-existence grounds.

5. Mr. M. Sarma, learned Standing Counsel, IDFC First Bank submits that the account has been frozen only on the instructions received from the respondent No.4.

6. Upon hearing the learned counsel for the parties and perusal of the

pleadings available on case record, this Court directs the respondent bank to allow the petitioner to use his bank account by maintaining the minimum balance required to be maintained as per the terms and conditions issued by the bank on the customers at the time of opening the bank account. In the event of there is shortfall of minimum balance, the bank authorities will be permitted to take all necessary steps to ensure that the minimum balance is maintained in the said account.

7. Meanwhile, let notices be issued returnable within four weeks.

8. Mr. M. Sarma, learned Standing Counsel, IDFC First Bank accepts notices on behalf of respondents Nos. 1 and 2; Mr. S.S. Roy, learned CGC accepts notices on behalf of respondents Nos. 3 and 4.

9. Since the respondents are duly represented, notices waived. However, extra copies be furnished within a period of one week from today.

10. Let the respondents to complete their instructions and file their necessary affidavit, if so advised, within a period of four weeks from today.

11. Matter be listed after returnable date.

JUDGE

Comparing Assistant