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2026:GAU-AS:8920

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

Case No. : WP(C)/2641/2026

SHOMESH ALI
S/O- FAJOL HOQUE, PRESENT ADDRESS- FLAT NO.-04, CONCHORD APARTMENT, ISLAMPUR ROAD, NEAR MAJID, SARANIA HILLS, ULUBARI, GUWAHATI, KAMRUP METROPOLITAN, ASSAM, PIN-781007. PERMANENT ADDRESS- 190, DABANDIA, KALGACHIA REVENUE CIRCLE, GUNIALGURI, BARPETA, ASSAM, PIN- 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
I4C 5TH FLOOR NDCC II BUILDING JAI SINGH ROAD NEW DELHI 11000

Advocate for the Petitioner : MR MONZUR K CHOUDHURY, R. BARUAH,MR. S N AHMED,TANZIM L. CHOUDHURY

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

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

Advocate for : MD. M H CHOUDHURY

Advocate for : DY.S.G.I. appearing for IDFC FIRST BANK LIMITED AND 3 ORS

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

JUDGMENT

Date : 19-06-2026

Heard Mr. M.H. Choudhury, learned Senior Counsel assisted by Mr. M.K. Choudhury, learned counsel for the petitioner and Mr. M. Sharma, learned counsel for the respondent IDFC Bank Ltd.

2. The petitioner has preferred both the writ petitions, one after the other, on the premises exposited below. It is the case of the petitioner that he is maintaining a Savings Bank Account no. 10095450080 at Guwahati Branch of the respondent IDFC First Bank. The petitioner has stated that he is a businessman and carries on business of buying and selling of broiler chicken. His business transactions are carried through the said Savings Bank Account.

3. In the writ petition, W.P.[C] no. 124/2026, the petitioner has averred that when he visited the Guwahati Branch of IDFC First Bank on 24.11.2025 to deposit some cash at his Bank Account, the Bank authorities did not allow him to deposit such cash. On enquiry, the petitioner came to learn that his Bank Account had been kept on hold. As the petitioner was having a deposit of Rs. 6,53,171/- in his Bank Account, the information regarding keeping the hold on the Bank Account had made him to enquire further into the matter. On further enquiry, the petitioner was informed that there was a suspicious transaction of

Rs. 796.19/- and in his Bank Account, the said credited amount was in relation to a cyber complaint originated in the State of Andhra Pradesh. In view of the instruction received pursuant to the complaint, the Bank Account had been kept on hold.

4. When the writ petition, W.P.[C] no. 124/2026 was preferred, the Court while issuing notice to the respondents, had passed an interim order on 21.01.2026 directing the respondent Bank to allow the petitioner to use the Bank Account by maintaining a minimum balance while allowing the learned counsel for the respondent Bank authorities to complete his instructions in the meantime.

5. It is the further case of the petitioner that he was informed subsequently, that there was another suspicious transaction in his Bank Account, which was on basis of a complaint bearing no. 31911250212727, reported in the National Cybercrime Reporting Portal [NCRP] from the State of Maharashtra. Having learnt about the second allegedly suspicious transaction, the petitioner has approached this Court by the second writ petition, W.P.[C] no. 2641/2026. When the second writ petition was moved on 22.05.2026, the learned counsel for the respondent Bank was asked to obtain up-to-date instructions regarding all the allegedly suspicious transactions in the Bank Account of the petitioner.

6. Mr. Sharma, learned counsel appearing for the respondent Bank has submitted, on instruction, that there are altogether two suspicious transactions involving amounts of Rs. 796.19/- and Rs. 469/-, that is, Rs. 1,265.19 in total. He has further submitted that at the time of keeping the Bank Account on hold,

the deposit in the Bank Account of the petitioner was more than the two amounts. He has submitted that the debit freeze instruction had to be made in view of the instructions received that complaints were registered in connection with those two suspicious transactions in the NCRP, one from Andhra Pradesh and the other from Maharashtra. He has informed that apart from the instructions received with regard to the said two suspicious transactions, no other instruction has been received till date.

7. Having heard and considered the submissions made by the learned counsel for the parties, this Court is of the considered view that the action of the respondent Bank in keeping the Bank Account of the petitioner freezed is not sustainable to the extent that it exceeds the scope of directions received from the investigating authorities from Andhra Pradesh and Maharashtra. The power exercised by the respondent Bank is not an independent power. The Bank apart from implementing the directions made by the investigating authorities, also acts as the custodian of the Bank Accounts. Though it is submitted by the learned counsel for the respondent Bank that in view of two suspicious transactions, there is possibility of more complaints as regards suspicious transactions at a later point of time, such submission, in the considered view of this Court, advanced on behalf of the respondent Bank cannot be accepted. The apprehension expressed on behalf of the respondent Bank regarding receipt of instruction in future cannot be a basis for keeping the entire amount in the concerned Bank Account of the petitioner on hold, over and above Rs. 1,265.19 respectively.

8. This Court is of the considered view that whenever a direction is received

from the investigating authority specifying a particular amount, the Bank is required to place a lien to the extent specified by the investigating authority and is to permit the account holder to operate the concerned Bank Account in so far as the remaining balance in the Bank Account is concerned, unless the direction itself is for complete freezing of the Bank Account or there is a statutory mandate.

9. Having considered the entire aspects of the matter, these two writ petitions are allowed to the extent that the debit freeze/withhold instructions made by the investigating authorities for the amount of Rs. 796.19/- and Rs. 469/- respectively, that is, Rs. 1265.19 in total, are to be executed by the respondent Bank authorities by keeping a lien over the said amount of Rs. 1265.19 at this stage. Meaning thereby, the respondent Bank authorities shall restrict freezing order operative over the petitioner's Bank Account only to the extent of Rs. 1265.19 and the petitioner is to be allowed to operate the Bank Account in respect of the balance amount lying credited thereof, subject to any further instruction made permissible under the law by any competent authority in accordance with law.

10. The writ petitions are allowed to the extant indicated above. No cost.

JUDGE

Comparing Assistant

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