GAHC010118922026

2026:GAU-AS:15606

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

Case No. : WP(C)/3303/2026

MUSTAFA AHMED LASKAR,
S/O MOJIBUR RAHMAN LASKAR, VILL- KRISHNAPUR, P.O- KRISHNAPUR,
P.S SILCHAR, DISTRICT - CACHAR, ASSAM, PIN-788025.

VERSUS

THE AXIS BANK AND 2 ORS
REPRESENTED BY ITS CHAIRMAN, HAVING ITS CORPORATE OFFICE AT C-2, WADIA INTERNATIONAL CENTRE, PANDURANG BUDHKAR MARG, WORLI, MUMBAI-400025.

2:ZONAL MANAGER
AXIS BANK
ZONAL OFFICE
3RD FLOOR
CHIBBER HOUSE
G.S. ROAD
CHRISTAN BASTI
GUWAHATI - 781005.

3:THE BRANCH MANAGER
AXIS BANK
SILCHAR (AS) BRANCH
DISTRICT- CACHAR
ASSAM
PIN-788025

Advocate for the Petitioner : MR. M ALI, MR. J UDDIN

Advocate for the Respondent : SC, AXIS BANK LTD.,

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 14.10.2026

1. Heard Mr. M Ali, learned counsel appearing for the petitioner. Also heard Mr. A Rahman, learned standing counsel, Axis Bank appearing for all the respondents.

2. The petitioner has stated that he maintains a Bank Account no. 923010060975327 at the Axis Bank, **271/SILCHAR (AS) Branch, Cachar**. The petitioner has approached this court stating that the savings bank account has been kept freezed since 01.04.2026 by the respondent Bank authorities without any prior notice or information to the petitioner. The petitioner has stated that he is facing difficulties due to such action on the part of the respondent bank authorities as his salary gets deposited in the said savings bank account.

3. According to the petitioner, the alleged fraudulent transaction is to the extent of Rs. 2032/-, whereas an amount of Rs.2,51,605 was lying in the said Bank Account. The petitioner accordingly, approached the concerned Branch Manager and also submitted multiple representations praying for removal of the debit restriction and for permitting him to operate the account. As no action was taken, the present writ

petition has been filed.

4. I have considered the rival submissions advanced by the learned counsel for the parties and the materials available on record.

5. It is not in dispute that the action of the respondent Bank was initiated as per the direction of the Head Office of the Axis Bank.

6. Therefore, this Court would not be justified in issuing any direction which may have the effect of frustrating or prejudicing the investigation. At the same time, it also appears that the amount presently kept under lien by the respondent Bank has been quantified at Rs. 2032/- only and the materials on record do not indicate that the entire amount lying in the account represents the proceeds of the alleged fraudulent transaction or that the entire balance is required to remain under restraint for the purpose of the investigation.

7. The grievance of the petitioner, therefore, needs to be redressed by maintaining a balance between the interests of bonafide investigation into cyber offence, which undoubtedly requires effective measures for the preservation of the suspected proceeds of crime and the right of an account holder to operate his Bank Account in respect of the amount which are not presently shown to be required for such an

investigation.

8. A complete restraint on the operation of the account notwithstanding the fact that the respondent Bank itself has presently quantified the lien amount at Rs.2,032/- in the facts and circumstances of the present case is not warranted. At the same time, this Court is conscious of the stand of the respondent Bank that the transactions in the said account require scrutiny and that the petitioner has not furnished all documents sought to establish the nature of his business activities. Those are the matters which may appropriately be examined by the competent investigating agency.

9. The present order therefore shall not be construed as expressing any opinion on the nature of legality of the present transactions in the account or on the merits of any investigation.

10. Accordingly, the respondent Bank is directed to permit the petitioner to operate his Bank Account bearing 923010060975327 at the Axis Bank, **271/SILCHAR (AS) Branch, Cachar,** subject to the lien of Rs.2,032/- which shall continue until an appropriate order is passed by the competent investigating authority or until the lien is otherwise lawfully removed.

11. The respondent Bank shall, however, be at liberty to act upon any further lawful order or instruction issued by the competent investigating agency or any Court of competent jurisdiction in connection with the investigation.

12. The petitioner shall also furnish an appropriate undertaking/bond before the respondent Bank to indemnify it against any loss or liability, which may arise on account of any fraudulent or unlawful transaction attributable to the petitioner in connection with the aforesaid account.

13. It is made clear that this order shall not prevent the competent investigating agency from proceeding with the investigation in accordance with law including taking steps in respect of the account as may be permissible under law.

14. The instant writ petition stands disposed of with the aforesaid terms.

JUDGE

Comparing Assistant