GAHC010181782026

2026:GAU-AS:14802

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

Case No. : AB/2020/2026

DIPJYOTI BORAH
S/O LATE RAJEN BORAH, R/O LOKHRA AXCEL PUBLIC SCHOOL ROAD, NEAR GANESH MANDIR, P.S. GARCHUK, GUWAHATI 781035, DISTRICT KAMRUP (M), ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. M K SARMA, MS. S S SAIKIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 05-10-2026

Heard Mr. M.K. Sarma, learned counsel for the accused applicant. Also heard Mr. M.P. Goswami, learned Addl. P.P. Assam appearing for the State.

This is an application filed under Section 482 BNSS, 2023 praying for granting of

pre-arrest bail to the accused applicant, in connection with Paltan Bazar P.S. Case No. 236/2026, registered under Sections 318(4) of BNS, 2023.

An FIR was lodged by one Dibyendu Mohan Das, Branch Officer of GIC Housing Finance Ltd., Guwahati before the Officer-in-Charge of Paltan Bazar Police Station on 10-07-2026 alleging that one Kasim Ali applied for a home loan for Rs. 28.20 Lakh for purchase of a flat, which is being built by the accused applicant. The loan was in pre-EMI stage and the full amount was not disbursed till date as the developer is yet to complete the construction of the aforesaid flat. However, on 24-02-2022, the GIC Housing Finance Ltd. received a letter from the builder, i.e. the accused applicant intimating them about cancellation of flat allocated to Kasim Ali as he was unable to pay for the same. It was also mentioned that the developer planned to sell the same to a second party and he confirmed that he will pay back all outstanding amount within 31-03-2022. It is alleged that the booking money and home contribution amount was paid by the borrower to the builder and purchase loan was disbursed in favour of the builder and the rest amount was to be paid by the builder. However, it is alleged that the builder failed to pay the loan amount as he promised to pay the same by December, 2025. It is also found that the flat was already sold to a third party in the year 2016 and the delivery was also given for the same. It is alleged that fact of sale of the flat to a third party was not disclosed to the GIC Housing Finance Ltd. and thereby, the accused applicant has misappropriated the loan amount by falsely promising to re-pay the same.

On receipt of the FIR, police registered Paltan Bazar P.S. Case No. 236/2026 under the aforementioned section.

The learned counsel appearing for the accused applicant submits that the accused applicant is a builder and he is not aware of the terms and conditions of the loan agreement that has been signed between the aforesaid Kasim Ali and the GIC Housing Finance Ltd. He submits that though the loan has been taken and the same could not be paid in time by the accused applicant, the dispute is of civil nature and the GIC Housing Finance Ltd. could have approached the appropriate authority for recovery of the unpaid loan amount. Therefore, he submits that the custodial detention of the accused applicant is not required and the accused applicant should be enlarged on pre-arrest bail.

The case diary has been received and this Court has perused the same.

Mr. M.K. Goswami, learned Addl. P.P. Assam opposes the prayer for pre-arrest bail.

Upon hearing the learned counsel for the respective parties, this Court is of the considered view that the accused applicant should be granted pre-arrest bail, at this stage.

Accordingly, it is directed that, in the event of arrest, the accused applicant, *viz.* Dipjyoti Borah, shall be released on the pre-arrest bail on furnishing of bail bond of Rs. 30,000/- with the surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

(i) The accused applicant shall appear before the Investigating Officer within a period of 10 days from today.

(ii) The accused applicant shall cooperate with the investigation and make himself available as and when called for by the Investigating Officer.

(iii) The accused applicant shall not tamper or hamper in the investigation in any manner, whatsoever.

In terms of the aforesaid conditions, the present A.B. application stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant