GAHC010200372026

2026:GAU-AS:14927

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

Case No. : AB/2263/2026

SULTAN MOHAMMED ALIAS MD SULTAN
SON OF ABDUL RAHIM, RESIDENT OF 37/4A, KABITIRTHA SARANI,
KHIDDIRPORE, SO KOLKATA, WEST BENGAL, PIN-700023

VERSUS

THE STATE OF ASSAM
REPRESENTED BY ITS PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. BHASKAR DUTTA, SENIOR ADVOCATE, MS. F L MIZO,MR JITENDRA DAS,MR. SAILENDRA DEKA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 06-10-2026

Heard Mr. B. Dutta, learned Senior Counsel assisted by Mr. S. Deka, learned counsel appearing for the accused applicant and Mr. K. K. Parasar, learned Additional Public Prosecutor for the State.

2. This is an application under Section 482 of the BNSS, 2023 praying for granting pre-arrest bail to the accused applicants in connection with Udalguri

P.S. Case No. 27/2024 under Sections 406/420/421 of the IPC.

3. An FIR was lodged by one Ms. Arpita Kar on 15.02.2024 to the effect that one *Mr. Sultan Mohammad* sent her a brochure making an offer to sell a flat in "*Emperor Tower",* situated at *Holding No. E3-48/New, B.B.T. Road, Boddhir Bandh, P.O. Batanagar, P.S. Maheshtala, Ward No. 31 (Maheshtala Municipality), Kolkata-700140*; that the aforesaid person is the *Managing Director of M/s Sunrise Erectors Private Limited*, which was constructing the aforesaid "*Emperor Tower";* that the accused person kept pressuring her to purchase the flat and it was promised to her that the flat would be ready by December 2019 and would be delivered to her; that the informant agreed to purchase the flat and initially paid an amount of Rs. 3,00,000/- as advance payment towards the purchase of the flat; that they executed an agreement of sale dated 07.05.2019 and the total consideration amount for the flat was fixed at Rs. 27,43,840/-, along with certain other additional amounts, which, in total, incurred an expense of Rs. 30,85,258/-; that the informant took a Home Loan from SBI for purchasing the same; that upon receipt of the payment, a Deed of Conveyance dated 11.04.2022 was executed in favour of the informant; that in spite of the promise to give possession by December 2019, the accused person did not complete the same within the time promised and used the money received from the informant for his own personal gain; that the accused neither delivered the flat nor returned the money which the informant had paid for the purchase of the said flat.

4. On receipt of the FIR, the police registered Udalguri P.S. Case No. 27/2024 under the aforementioned sections.

5. Mr. Dutta, learned Senior Counsel for the accused applicant, submits that

there is no element of cheating involved in the instant case. He submits that, although there was some delay in delivering the flat, the same has already been delivered and the informant is presently in possession thereof. Learned Senior Counsel submits that the allegations made in the FIR are purely civil in nature and do not disclose any criminal element, particularly when the flat has already been delivered to the informant in view of the Deed of Conveyance dated 11.04.2022. In view of the aforesaid, learned Senior Counsel submits that the accused applicant should be granted the privilege of interim pre-arrest bail at this stage.

6. Mr. Parasar, learned Additional Public Prosecutor for the State, opposes the prayer for bail at this stage, submitting that though there was a promise to deliver the flat by December 2019, as per the instructions received, the flat has not been delivered to the informant till date.

7. The Case Diary in the instant case has been received and the same is perused.

8. Taking into account the materials available in the Case Diary as well as on consideration of the submissions made by the learned counsel appearing for the parties, this Court is of the considered opinion that the accused applicant should be granted the privilege of interim pre-arrest bail at this stage.

9. Accordingly, it is directed that, in the event of the arrest of the accused applicant, namely, *Sri Sultan Mohammad*, in connection with Udalguri P.S. Case No. 27/2024, he shall be released on pre-arrest bail on furnishing a bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with one surety of like amount to the satisfaction of the arresting authority, subject to the conditions:

i. that the accused/applicant shall appear before the

investigating officer within 10 (ten) days from today and thereafter, as and when called for;

ii. that the accused/applicant shall not directly or indirectly make any inducement, threat or promise to any person, who may be acquainted with the facts of the case, so as to dissuade such person from disposing such facts before the investigating authority against the accused applicant;

iii. that the accused/applicant shall not directly or indirectly attempt to hamper with the investigation and tamper with the evidence of the case in any manner.

10. In terms of the aforesaid direction, the instant anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant