GAHC010200382026

2026:GAU-AS:14926

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

Case No. : AB/2262/2026

MANINDRA CHANDRA BHOWAL
SON OF KHETRA MOHAN BHOWAL, RESIDENT OF SANTIPALLY
MAHESHTALA M, SOUTH 24 PARGANAS, WEST BENGAL, PIN-700140

VERSUS

THE STATE OF ASSAM
REPRESENTED BY ITS PUBLIC PROSECUTOR, ASSAM

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

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 the accused applicant is a *Director* in the aforesaid company, namely, *M/s Sunrise*

Erectors Private Limited and that he joined the company only on 20.04.2024 as a Director. He submits that all the dealings relating to the aforesaid flat were undertaken by the aforesaid accused person, namely, *Sultan Mohammad*. He submits that the allegations made in the FIR pertain to a period prior to the joining of the present accused applicant in the company and therefore, the accused applicant is innocent as he is nowhere connected with the instant case. In view of the aforesaid, learned counsel for the accused applicant submits that since all the dealings were undertaken by the aforesaid *Sultan Mohammad*, who is the *Managing Director* of the company wherein the present accused applicant is working as a *Director*, the accused applicant is apprehending his arrest and therefore, the instant anticipatory bail application has been filed. He submits that the accused applicant is willing to cooperate with the investigation and therefore, the accused applicant should be granted bail at this stage.

6. Mr. Parasar, learned Additional Public Prosecutor for the State, opposes the prayer for bail at this stage.

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 accused applicant, this Court is of the considered opinion that the instant case deserves to be allowed.

9. Accordingly, it is directed that, in the event of the arrest of the accused applicant, namely, *Sri Manindra Chandra Bhowal*, 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 condition that the accused

applicant shall cooperate with the investigation.

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

JUDGE

Comparing Assistant