

GAHC010028402024



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

Case No. : AB/328/2024

HARI LAL SHARMA
S/O- LATE DEB SHARMA, R/O- PANIKHAITI UNDER PRAGJYOTISHPUR
POLICE STATION, GUWAHATI-781026, DIST. KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

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Advocate for the Petitioner : MR P CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 12.03.2024

Heard Mr. P. Choudhury, learned counsel for the applicant and Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Pragjyotishpur P.S. Case No. 23/2024, under Sections 447/323/294/379 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, Sri Hari Lal Sharma for grant of pre-arrest bail.

3. The said case has been registered on the basis of one F.I.R., lodged by one Bishal Sharma, on 01.02.2024. The essence of allegations made in the FIR

is that on 31.01.2024, at about 1 pm, one Harilal Sharma suddenly came in an intoxicated state and all of a sudden attacked him with an iron stick and also tried to attack his father with a sharp machete (dao) and somehow, he managed to escape. Thereafter, the said person also tried to enter the house of the informant and shouted abusive words towards his father and threatened to kill him and when he tried to rescue his father from being attacked, then he found his silver chain, which he was wearing, missing

4. Mr. Choudhury, learned counsel for the applicant submits that the applicant had been granted the privilege of interim pre-arrest bail, vide order dated 13.02.2024, and pursuant to the said order, he had also appeared before the I.O. and he has been cooperating with the investigating agency, and therefore, a contention is being made that the interim order dated 13.02.2024, may be made absolute in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, the learned Addl. Public Prosecutor submits that he has not received the case diary, but as per his instruction, the I.O. has laid charge-sheet, being charge-sheet No. 19/2024, dated 29.02.2024, against the present applicant.

6. In view of the submission of learned Advocates of both sides, this Court is inclined to dispose of this application by directing the applicant to appear before the learned Court below on or before 08.04.2024, and to apply for regular bail and in the event of filing such an application, the learned Court below shall consider the same in accordance with law.

7. Till then, interim order dated 13.02.2024 shall stand extended.

JUDGE

Comparing Assistant