

GAHC010183822024



2024:GAU-AS:12538

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

Case No. : AB/2386/2024

VIKASH SHARMA
S/O SRI GOVIND KUMAR SHARMA
BY FAITH AND RELIGION- HINDU,
BY PROFESSION- PRIVATE SERVICE,
R/O MALIGAON GATE NO. 1, HILL SIDE COLONY NEAR BIPODNASHINI
MANDIR, P.S. JALUKBARI, KAMRUP (M), GUWAHATI-781011, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. V N UPADHYAY, MS P MISHRA

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

11/12/2024

Heard Ms. P Mishra, learned counsel for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Sri Vikash Sharma**, son of Sri Govind Kumar Sharma, resident of

Maligaon Gate No. 1, Hill side Colony near Bipodnashini Mandir, P.S. Jalukbari, has filed this application under Section 482 BNSS, seeking pre-arrest bail apprehending his arrest in **Jalukbari P.S. Case No. 412/2024** registered under Sections 406/417/419/420 IPC corresponding to G.R. No. 4927/2024.

3. As per the FIR of the case dated 13.08.2024, the petitioner, i.e., Manager/Cashier of the complainant's firm had taken away huge amount of money from his office through the salesman who collected the money from the market on behalf of Anil International by taking those money in his personal account, thereby siphoned an amount of Rs.7,71,252/- from the complainant's firm. Accordingly, Jalukbari P.S. Case No. 412/2024 under Sections 406/417/419/420 IPC was registered against the petitioner.

4. Perused the case diary placed before the Court by Mr. Parashar, learned Additional Public Prosecutor, Assam.

5. The Court by order dated 10.09.2024 granted interim pre-arrest bail to the petitioner in said Jalukbari P.S. Case No. 412/2024.

6. Mr. Parashar, learned Additional Public Prosecutor, Assam from the case diary submitted that after obtaining interim pre-arrest bail, the petitioner appeared before the concerned Investigating Officer and his statement has been recorded in said Jalukbari P.S. Case No. 412/2024. In the meanwhile, police have also seized all the financial documents, passbooks of the petitioner and others, involved in the case.

7. Considering the materials available in the case diary, the Court is of the view that custodial detention of the petitioner, named above, is not warranted to investigate the said Jalukbari P.S. Case No. 412/2024. As such, this pre-arrest bail application of the petitioner is accepted.

8. The petitioner, namely, **Sri Vikash Sharma** is already on interim bail in said Jalukbari P.S. Case No. 412/2024 granted to him earlier by this Court on 10.09.2024 and the same is hereby made absolute, subject to the full compliance of the terms and conditions as specified in the said order dated 10.09.2024 and further, on compliance of the following conditions that the petitioner – **(i)** shall not hamper with the investigation, or tamper with the evidence of the case; **(ii)** shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer and **(iii)** shall not involve himself in any kind of criminal activities directly or indirectly.

9. Violation of any of the aforesaid terms and conditions as well as the terms and conditions as specified in the said order dated 10.09.2024, noted above, the pre-arrest bail granted to the petitioner in said Jalukbari P.S. Case No. 412/2024 shall stand automatically vacated.
10. Accordingly, this pre-arrest bail application stands allowed to the extent above.
11. Return the case diary.

JUDGE

Comparing Assistant