

GAHC010219232023



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

Case No. : AB/3337/2023

RAKESH SHARMA AND 2 ORS.
S/O LATE MAHABIR PRASAD SHARMA
R/O C-3, JIBNIHAR APARTMENT,
BYE LANE NO. 5,
TARUN NAGAR, ABC,
P.S. BHANGAGARH
GUWAHATI-781005
DIST. KAMRUP (M), ASSAM

2: SARITA SHARMA
W/O RAKESH SHARMA
R/O C-3
JIBNIHAR
APARTMENT
BYE LANE NO. 5

TARUN NAGAR
ABC

P.S. BHANGAGARH
GUWAHATI-781005
DIST. KAMRUP (M)
ASSAM

3: VIVEK SHARMA
S/O RAKESH SHARMA
R/O C-3

JIBNIHAR APARTMENT

BYE LANE NO. 5

TARUN NAGAR
ABC

P.S. BHANGAGARH
GUWAHATI-781005

DIST. KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 27.03.2024

Heard Mr. D. Bora, learned counsel for the petitioners. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor for the State of Assam.

This is an application made under **Section 438 Cr.P.C.**, seeking pre-arrest bail by the petitioners, namely, **Rakesh Sharma, Sarita Sharma and Vivek Sharma**, apprehending arrest in connection with **Fatasil Ambari P.S. Case No. 217/2023**, registered under Section **326/307/342/382/ 384/452 IPC r/w Section 27(2)/27(3) of Arms Act, 1959.**

Mr. Bora, learned counsel for the petitioners submits that the petitioners have appeared before the Investigating Police Officer as per

direction of this Court and their statements have already been recorded after they were granted interim protection. They have not misused the liberty granted to them; rather, they co-operate with the investigation of the case. Therefore, the privilege of pre-arrest bail granted to the petitioners may be made absolute.

Mr. Goswami, learned Additional Public Prosecutor for the State submits that the petitioners may appear before the investigating officer as and when called for. As the statement of petitioners have already been recorded by the investigating officer and as such, their custodial interrogation may not be required.

I have considered the submission made by the learned counsel for the parties and also perused the case diary.

It appears that the petitioners have not misused the liberty granted to them while availing interim protection. It is directed to the petitioners to appear before the investigating officer as and when called for.

Considering all, this Court is of the view that the petitioners deserve to be granted the privilege of pre-arrest bail.

Accordingly, the interim protection granted to the petitioners vide order dated 28.09.2023, is made absolute on the same terms and conditions, as reflected.

The petition stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant