

**HIGH COURT OF TRIPURA
AGARTALA
B.A. 10/2023**

Smt. Puja Nath Bhowmik

----Petitioner(s)

Versus

Sri Ankur Dey and anr.

----Respondent(s)

For Petitioner(s)	:	Mr. S. Rahaman, Advocate
For Respondent(s)	:	Mr. Ratan Datta, PP Mr. DC Roy, Advocate

**HON'BLE MR. JUSTICE ARINDAM LODH
Order**

17/07/2023

Heard Mr. S. Rahaman, learned counsel appearing for the petitioner. Also heard Mr. Ratan Datta, learned PP appearing for the respondent-State and Mr. DC Roy, learned counsel appearing for the accused-respondent.

This is an application filed under Section 439(2) of the Code of Criminal Procedure for cancelling the bail granted to the accused-respondent vide order dated 20.08.2022 passed by the learned Judicial Magistrate, 1st class, Court no. 1, Agartala, West Tripura, in connection with West Agartala Women PS case no. 2022 WAW 013 registered under Sections 417/376/323/506 IPC and Section 66(D)/67 of the IT Act.

Having gone through the records, I find this is an unfortunate case where the benefit of granting bail is being misused. It is brought on record that even from the jail custody, the accused-respondent used to threaten the defacto-complainant, the petitioner herein.

Today, Mr. Ratan Datta, learned PP has produced the case diary in pursuant to the earlier order passed by this court.

I have perused the case diary.

It is revealed that 4-5 FIRs have been lodged by the defacto-complainant in the present case against the accused-respondent alleging serious threatening upon her. It is also evident that the accused-respondent has tried to win over the witnesses by way of threatening them on several occasions. Police personnel have also produced the call details relating to the telephonic conversations made by the accused-respondent with the defacto-complainant. Furthermore, 2 PRs have already been submitted by the police, which are revealed from the case diary.

In the light of above, it will not be fair to allow the accused-respondent to roam freely. It will definitely affect the fair trial of the case. In my opinion, this is a fit case to cancel the order of bail granted to the accused-respondent. Accordingly, I cancel the bail order dated 20.08.2022 passed by the learned Judicial Magistrate, 1st class, Court no. 1, Agartala, West Tripura, in connection with West Agartala Women PS case no. 2022 WAW 013, with immediate effect.

It is informed by learned PP that charge-sheet has already been submitted in the instant case.

In view of this, I direct the accused-respondent, Sri Ankur Dey, to surrender before the court of learned Judicial Magistrate, 1st class, Court

no. 1, Agartala, West Tripura within a period of 24 hours from today failing which the Investigating officer is directed to cause arrest of the accused, Sri Ankur Dey and put him in jail to face the trial from jail custody. The bail bond of the petitioner also stands cancelled. The Investigating Officer is further directed to take all possible measures so that the accused-respondent cannot threaten the defacto-complainant as well as to the witnesses of this case. Needless to say, the police officers are to ensure fair trial of the case to render proper justice.

With the above observations and directions, the instant application stands allowed and thus disposed.

Return back the case diary.

JUDGE

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