

**HIGH COURT OF TRIPURA
AGARTALA**

A.B. No.07/2023

Shri Sudip Das & another

..... Applicant(s).

V E R S U S

The State of Tripura

.....Respondent(s).

For Applicant(s)

: Mr. Kishalay Roy, Advocate.

For Respondent(s)

: Mr. Ratan Datta, P.P.,
Mr. Sumit Debnath, Addl. P.P.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

02/06/2023

Heard Mr. Kishalay Roy, learned counsel for the petitioners/ applicants and Mr. Ratan Datta, learned Public Prosecutor appearing for the respondent-State.

These two petitioners/applicants apprehend arrest in connection with West Agartala P.S. case No.2019WAG070 dated 11.04.2019 registered under Sections 364/ 307/ 333/427/34 of the Indian Penal Code and Section 3 of the Tripura Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Act, 2013.

Learned counsel for the petitioners/applicants submits that the F.I.R. was instituted against unknown persons on 11.04.2019 by one Dr. Pamala Debbarma, *inter alia*, alleging that one lady namely Mampi Das was

admitted in I.G.M. Hospital at 04.10 p.m. on 10.04.2019 and after her condition deteriorated suddenly, she expired at about 11.00 p.m. Later, some of her near relatives attacked the resident surgeon namely Dr. Dipankar Debnath at about 6.00 a.m. and assaulted him in front of the Labour Room of the hospital and ultimately dragged him forcefully up to the City Centre from the hospital premises. He became unconscious and after his rescue, he was shifted to Trauma Centre of G.B. Hospital.

Learned counsel for the petitioners/applicants submits that the petitioners/applicants are ready to cooperate in the investigation which has for unknown reasons been kept pending for 4(four) years by now. Petitioners/applicants undertake not to temper any prosecution evidence or influence any witness. As such, petitioners/applicants are ready to abide by all the directions and conditions which may be imposed by this Court while granting bail. Earlier the prayer for pre-arrest bail was rejected by the learned Sessions Judge, West Tripura, Agartala vide order dated 17.05.2023 holding that there is no apprehension of the petitioners/applicants for arrest in connection with the aforesaid criminal case. However, the petitioners/applicants have definite information that they are likely to be arrested though they are willing to cooperate in the investigation.

Learned Public Prosecutor has opposed the prayer. He submits that the victim is a doctor who has suffered 18(eighteen) injuries on account

of the assault committed by a group of around 30/40 persons. Application has been filed for issuance of non-bailable warrant against the accused persons, i.e. the petitioners/applicants since they are not cooperating in the investigation. Therefore, bail may be refused as it concerns the safety and security of a medical professional of the healthcare institutions.

I have considered the submissions of learned counsel for the parties and taken note of the relevant material facts placed from the record and also from the case diary referred to by the learned Public Prosecutor.

It appears that the investigation has remained pending for 4(four) years but petitioners'/applicants' apprehension of arrest seems to be genuine since the investigating agency has made an application for issuance of non-bailable warrant against them. Petitioners/applicants are willing to cooperate in the investigation. The allegations are against unknown though 30/40 persons seem to have attacked the victim (doctor).

As such, taking into account all the facts and circumstances and that petitioners/applicants shall cooperate in the investigation, this Court is of the view that no purpose would be served by subjecting them to custody after 4(four) years of the incidence.

Accordingly, petitioners/applicants namely Shri Sudip Das and Shri Bikash Das, in the event of their arrest or surrender, shall be released on anticipatory bail on their furnishing bail bonds of Rs.10,000/- (rupees ten

thousand) with two sureties each of the like amount to the satisfaction of the learned Sessions Judge, West Tripura, Agartala in connection with West Agartala P.S. case No.2019WAG070. One of the bailors shall be a close relative and other bailor shall be an employee of the State Government or State instrumentality. Petitioners/applicants shall cooperate in the investigation and appear before the investigation agency on any notice. Petitioners/applicants shall otherwise also report to the police station every fortnightly on the Monday before the Officer-in-Charge of the concerned Police Station for cooperating in the investigation over a period of next two months so that the investigation as against them is complete. Petitioners/applicants and their bailors shall submit their Aadhaar Cards, mobile numbers and passports, if any, at the time of release of the applicants. They will not change their mobile numbers and addresses without the permission of the trial Court.

The anticipatory bail application stands disposed of.

(APARESH KUMAR SINGH), CJ

PULAK BANIK Date: 2023.06.03
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