

**HIGH COURT OF TRIPURA
AGARTALA**

AB 19 of 2023

Sri Uttam Deb**Applicant(s)**
for and on Behalf of Accd. Master Munai Dey

Versus

The State of Tripura **Respondent(s)**

For Applicant(s) : Mr. D. Datta, Advocate.

For Respondent(s) : Mr. R. Datta, PP.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

25.08.2023

This present application has been filed under Section 438 of the Code of Criminal Procedure for granting the accused pre-arrest bail to the Juvenile in conflict with the law in connection with West Agartala Women Police Station Case No.36 of 2023 under Sections 366(A)/376(3)/323/34 of IPC and section 04 of POCSO of 2012 which is pending before the Ld. Addl. Session Judge, Court No.3, West Tripura, Agartala.

The brief facts of this case is that the mother of the victim lodged the above mentioned complaint to the O/C West Agartala Women P.S. alleging inter alia that the accused-petitioner herein who is a juvenile kidnapped her minor daughter on 04.06.2023. After kidnapping her he forcibly married her in Udaipur Matarbari Temple and then committed intercourse on her and spread the some picture of her daughter in social media and committed mental torture upon her daughter. Further the guardian of the accused also bit up her husband, son and other relatives.

Heard Mr. D. Datta, learned counsel appearing for the petitioner as well as Mr. R. Datta, learned P.P., appearing for the respondent-State.

Mr. D. Datta, learned counsel appearing for the accused-petitioner submits that the accused petitioner is innocent and he is minor as per his birth records and further if the present anticipatory bail is not granted, it will hamper the educational carrier of the juvenile accused-petitioner herein.

On the other hand, Mr. R. Datta, learned P.P. appearing for the State-respondent submits that though the accused is Juvenile but his interrogation is required. In the statement of the victim under Section 164 of Cr.P.C., the victim stated that accused-petitioner herein committed forceful physical relation with her. On the query of the Court, learned P.P. further submits that medical examination was conducted but no injury was found on the victim.

Heard both sides and perused the evidence on record.

As per the record and the statement of the learned counsel, both the victim and the accused are minor as on the date of the alleged crime. As such, considering the above circumstance and the submission of the learned counsel appearing for the parties, this Court is inclined to allow the present anticipatory bail application. Accordingly, the accused-petitioner herein is granted pre-arrest bail on furnishing a bond of Rs.25,000/- with two sureties of like amount and also a personal bond of like amount. However, the accused-petitioner shall cooperate with the investigation and appear before the concerned Police Station once in a week i.e. on Sunday between 10.00 A.M. to 5.00 P.M. till the charge-sheet is filed.

With the above direction, this present anticipatory bail application is allowed.

JUDGE

Paritosh

**RAJKUMAR
SUHANJIT SINGHA**

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