

**HIGH COURT OF TRIPURA
AGARTALA**

AB No.1 of 2024

Md. Jashim Miah and Ors.

....Applicant(s)

Versus

The State of Tripura

....Respondent(s)

For the Applicant(s) : Mr. S. Lodh, Advocate

For Respondent(s) : Mr. S. Ghosh, Addl. PP

HON'BLE MR. JUSTICE ARINDAM LODH
Order

25/01/2024

Heard Mr. S. Lodh, learned counsel appearing for the accused-applicants. Also heard Mr. S. Ghosh, learned Addl. PP appearing for the respondent-State.

The applicants have filed the present application under Section 438 of Cr.P.C. for releasing them on anticipatory bail since they are under serious apprehension that they will be arrested in connection with Dharmanagar Police Station case No.2023 DMN 186 registered under Sections 341, 326, 354B, 379 and 34 of the Indian Penal Code.

An F.I.R has been lodged by one Ruhul Uddin stating *inter alia* that the applicants/accused persons assaulted the father of the complainant and outraged the modesty of the mother and sister of the complainant on 11.12.2023 at about 3:00 p.m. On the basis of the said complaint, a case was registered by the Officer In-charge, Dharmanagar Police Station, North Tripura under Sections 341, 326, 354B, 379 and 34 of the I.P.C.

Mr. Lodh, learned counsel for the accused-applicants has submitted that the applicants/accused persons had filed an application for granting anticipatory bail before the learned Addl. Sessions Judge, North Tripura, Dharmanagar, but, that application had been rejected by the learned Court. Hence, this anticipatory bail application.

Mr. Lodh, learned counsel for the accused persons has emphasized mainly on 3 points:

- i. There was a civil dispute between the accused persons and the complainant and his family and out of that civil dispute the accused persons have been implicated with the aforestated case.
- ii. In terms of the Vehicle Log Book of L & T Construction, one of the accused persons namely, Md. Hashim Miah, the applicant no.2 was on his duty on that fateful date and time as driver.
- iii. The injuries suffered by the victim do not come within the purview of the definition of grievous hurt as envisaged in Section 20 of the I.P.C.

On the other hand, opposing the prayer for granting anticipatory bail, Mr. S. Ghosh, learned Addl. PP has produced the case diary to justify his submission that there is a direct evidence against the accused persons and the injured victims are the eye-witnesses to the incident.

In their statement recorded under Section 161 of Cr.P.C. they have directly implicated the applicants as the accused persons, who caused severe injuries upon the father of the complainant and outraged the modesty of the mother and sister of the complainant.

I have perused the injury report today being produced by learned Addl. PP. It was opined by the doctor that there are two cut injuries, one of the front portion of the head and another at the shoulder of the victim. That apart, there is injury at the hand of the victim.

It is further submitted that the weapons used in the attack have already been seized which confirmed the nature of injuries suffered by the victim.

It is further revealed from the F.I.R. as well as the statements of the witnesses that a sum of Rs.2,50,000/- had been snatched away by the assailants, the applicants herein.

I have considered the submissions of learned counsel appearing for the parties as well as the injuries suffered by the victim and other aspects as noted here-in-above.

In my opinion, even if the injuries do not come within the purview of the definition of grievous hurt, till, the cut injuries might have been killed the victim. However, the victim escaped somehow.

Considering the entire episodes, in my opinion, , this is not a case of granting anticipatory bail.

In view of this, the accused-applicants are directed to surrender before the Court of learned Magistrate of the competent jurisdiction and apply for bail who will consider the bail application of the accused persons on merits.

Accordingly, the instant application for granting anticipatory bail to the accused-applicants stands rejected and thus, disposed of.

JUDGE

Snigdha

SANJAY
GHOSH

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SANJAY GHOSH
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