

HIGH COURT OF TRIPURA
AGARTALA

B.A. 3/2024

Smt. Tapasi Roy, wife of Sri Shantibhusan Roy, aged about 54 years, resident of Lockdown Bazar, near Bye-pass, Madhya Laxmibill, P.S. Bishalgarh, District-Sepahijala, Tripura.

For and on behalf of custody accused applicants:

1. Shri Prasenjit Roy, son of Sri Shantibhusan Roy, aged about 30 years, resident of Lockdown Bazar, near Bye-pass, Madhya Laxmibill, P.S. Bishalgarh, District-Sepahijala, Tripura.

2. Shri Shibu Roy, son of Sri Shantibhusan Roy, aged about 26 years, resident of Lockdown Bazar, near Bye-pass, Madhya Laxmibill, P.S. Bishalgarh, District-Sepahijala, Tripura.

....Applicant(s)

Versus

The State of Tripura

....Respondent(s)

For Applicant(s)	:	Mr. P. Sen Choudhury, Advocate
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE ARINDAM LODH
Order

22/01/2024

Heard Mr. P. Sen Choudhury, learned counsel appearing for the accused persons who surrendered before the Court of learned Sub-Divisional Judicial Magistrate, Bishalgarh in connection with Bishalgarh PS case no.117 of 2023 filed under Sections 341/323/382-B/506/395/120-B/34 of the I.P.C.

While hearing the bail application, learned Sub-Divisional Judicial Magistrate, Bishalgarh has recorded the contents of the F.I.R. in his order and also observed that Section 382-B and 395 of I.P.C. are non-bailable offence and as such, bail should not be granted to the accused persons.

Being aggrieved by the order dated 10.01.2024, the applicant on behalf of the accused persons has filed this application praying for granting bail.

Mr. Sen Choudhury, learned counsel for the applicant has submitted that the accused persons are totally innocent and they are falsely implicated

which can be revealed from the fact that neither the driver nor the owner of the vehicle had lodged any complaint within 26 hours of the incident. It is further revealed that Bishalgarh Police Station is very close to the place of occurrence and the incident occurred in a market where many persons were present.

Mr. Datta, learned P.P. has submitted that there is direct evidence against the accused persons and it is a case of conviction.

After perusal of the case diary it is revealed that investigation has already been completed and statements of many witnesses have been recorded.

In my opinion, this is not a stage of punishment. Considering the fact that the incident had occurred in an open market in presence of many people but there was no iota of evidence till now that information was sent to the police station at the time of the occurrence of the incident or just after the occurrence of the incident.

As I said earlier, the owner of the vehicle had rushed to the place immediately after the incident as he is also of a resident of that locality and the driver was allegedly beaten by the accused persons, but, they had taken 26 hours to lodge the complaint in the police station. In other words, F.I.R. had been lodged after delay of 26 hours without any explanation.

In view of this, I am inclined to release the accused persons on bail.

Accordingly, both the accused persons shall be released on bail by furnishing a bond of Rs.1,00,000/- (Rupees One Lakh) with one surety each of the like amount, to the satisfaction of the Sub-Divisional Judicial Magistrate, Bishalgarh, Sepahijala District, Tripura. However, the accused persons are directed to report to the Investigating Officer thrice in a week at 11:00 a.m. until further order.

The instant bail application stands allowed and disposed in the above terms.

JUDGE

Snigdha