

HIGH COURT OF TRIPURA
AGARTALA
A.B. 10/2024

Biswajit Shill	Versus	----Applicant(s)
The State of Tripura		----Respondent(s)

For Petitioner(s)	:	Ms. R. Guha, Advocate
For Respondent(s)	:	Mr. Raju Datta, PP

HON'BLE MR. JUSTICE ARINDAM LODH
Order

21/03/2024

Heard Ms. R. Guha, learned counsel for the applicant. Also heard Mr. Raju Datta, learned PP appearing for the respondent-State.

This is an application filed by the applicant under Section 438 Cr.P.C. for granting him anticipatory bail who is wanted in connection with Bodhjungnagar PS Case No. 2024 BJN 006 registered under Sections 325/326/379/34 of the IPC.

Ms. Guha, learned counsel has submitted that the police has raided the house of the applicant on several occasions in connection with the aforesaid case to cause his arrest and on such apprehension, the applicant has filed the instant application for granting him anticipatory bail. Ms. Guha, learned counsel has also submitted that both the assailant and the victim were involved in altercation and during such altercation both of them assaulted each other. The victim suffered minor injuries and so also the assailant. Ms. Guha, learned counsel has further submitted that the complaint which was intended to be lodged by the assailant was not entertained by the local police station for which he has to lodge protest before the Superintendent of Police, West Tripura. Mr. Guha, learned counsel has also submitted that since the victim did not suffer serious injuries, the applicant may be released on anticipatory bail.

Mr. Datta, learned PP has produced the case diary and has strongly opposed the bail prayer. He has submitted that the assailant had inflicted injuries to a person who was aged about 70 years. Furthermore, the victim had suffered grievous injuries for which he had to be shifted to Kolkata in a specialized hospital. Mr. Datta, learned PP has drawn my attention to the statements made by some of the witnesses recorded under Section 161 Cr.P.C. during the course of investigation.

Ms. Guha, learned counsel, at this juncture has controverted the age of the victim as submitted by learned PP and has submitted that on the basis of the statement made by the son of the victim, his father was attaining the age of 62 years.

I have considered the rival submissions of the learned counsel appearing for the parties. I have also perused the case diary and the FIR.

In the FIR, the son of the victim stated *inter alia* that while he was returning to home from attending a function at that time Khokan Shil had assaulted him and later on the brother of Khokan Shil, namely, Biswajit Shil also had joined with him and assaulted his father, Paban Ghosh. However, with the help of other local people he was saved. It is also stated that out of that assault his father had suffered injuries and was taken to GBP hospital and later on he was shifted to Peerless hospital, Kolkata.

From the case diary, and from the statement of the witnesses, it is revealed that they had seen both the victim and assailants were quarreling with each other and during that quarrel, both the assailant and the victim had sustained injuries, but, none of the injuries were severe in nature. From the case diary, it is further revealed that Peerless hospital, Kolkata had issued discharge certificate summarizing the injuries suffered by the father of the complainant. None of the injuries are found to be grievous in nature. He was

admitted in hospital on 13.02.2024 and discharged on 17.02.2024. From the report it comes to light that the injuries were not inflicted on any vital parts of the person of the victim.

I have also considered the submission of learned PP regarding registration of the case under Section 379 IPC.

Though it is stated in the FIR that a sum of Rs.12,000/- was stolen by the applicant, but, considering the entirety of the complaint and the statements recorded by the Investigating Officer during course of investigation, in my opinion, this is a fit case for granting anticipatory bail to the applicant since I do not find any grievous injuries on the person of the victim.

Having held so, it is directed that in the event of arrest, the applicant, namely, ***Biswajit Shill*** shall be released on bail on furnishing a bail bond of ***Rs.50,000/-*** with ***one surety*** of the like amount to the satisfaction of the arresting authority.

However, the applicant shall comply the following direction:-

(i) *He shall appear before the Investigating Officer 5 times a week at 9.30 a.m. and shall co-operate the Investigating Officer in the process of investigation.*

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

JUDGE

SAIKAT KAR Digitally signed by SAIKAT KAR
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