

**HIGH COURT OF TRIPURA
AGARTALA
AB 14 of 2024**

1. Sri Debabrata Barman
S/O- Sri Nilkanta Barman
2. Sri Rakesh Barman
S/O- Lt. Madan Barman
(Both are resident of Vill-Chinai Hani, P.O. Airport, Singarbil, District-
West Tripura, Pin-799009.

..... Applicants

Versus

The State of Tripura

....Respondent(s)

For the Applicant(s)	:	Mr. S. Lodh, Advocate Mr. Subham Majumder, Advocate
For the Respondent(s)	:	Mr. S. Ghosh, Addl. P.P

HON'BLE MR. JUSTICE ARINDAM LODH

Order

16/04/2024

This is an application filed under Section 438 Cr.P.C. for granting anticipatory bail to the accused persons, namely, Sri Debabrata Barman and Sri Rakesh Barman, who are wanted by the police personnel in connection with Airport PS Case No. 2024 ARP 022, dated 05.03.2024 for the offences punishable Under Sections 448/326/427/506/34 of the IPC.

On the basis of a complaint lodged by one Smt. Swapna Dey, the Officer-in-Charge, Airport Police Station had registered a case. In the complaint, it is stated that on 03.03.2024 at about 01:15 pm, the accused persons trespassed into the house of the complainant and inflicted injuries upon the complainant and her husband. They also looked for her son Biswajit Dey alias Partha, but at that point of time he was not at the house. However, the accused persons had threatened the complainant that they would again come to her house to catch hold of her son "Partha". It is further stated that the husband of the complainant had also suffered injuries on his person due to the assault inflicted by the accused persons.

Mr. S. Lodh, learned counsel appearing for the accused persons has submitted that there is no ingredient to attract Section 326 of the Indian Penal Code in the instant case.

I have also heard Mr. S. Ghosh, learned Addl. P.P who has strongly objected to grant anticipatory bail to the applicants/accused persons.

Having taken note of the FIR and the submission of learned counsel appearing for the accused persons, I deem it fit to direct the accused persons to surrender before the court of Learned Elaka Magistrate, Agartala, West Tripura today itself at 02:30 pm i.e. on 16.04.2024. Accordingly, both the accused persons shall surrender before the Elaka Magistrate today at **02:30 p.m.**

The Investigating Officer is directed to produce the case diary along with other relevant records in connection with the instant case by today itself before the learned Elaka Magistrate. Learned Elaka Magistrate shall decide the bail application of the accused persons, if so filed, keeping in view the fact as to whether the complaint lodged by the complainant attracts Section 326 of the IPC and other relevant factors, which may be placed by I.O. before the concerned Judicial Magistrate during the course of hearing the bail application, if any.

Learned Elaka Magistrate is given liberty to proceed on merits in accordance with law.

Mr. Ghosh, learned Addl. P.P is directed to transmit the case diary and the forwarding report before the learned Elaka Magistrate within 02:00 pm by today itself, which have been produced before this Court

A copy of this order may be supplied to learned counsel appearing for the accused persons as well as learned Addl. P.P within half an hour.

Accordingly, the instant anticipatory bail application stands disposed.

JUDGE

Rohit

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by SAIKAT KAR
Date: 2024.04.16
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