

**HIGH COURT OF TRIPURA
AGARTALA**

AB 15/2024

Sahalam Miah and anr. -----Applicant(s)
Versus
The State of Tripura -----Respondent(s)

For Petitioner(s) : Ms. Varsha Poddar, Advocate
For Respondent(s) : Mr. Raju Datta, PP

HON'BLE MR. JUSTICE ARINDAM LODH
Order

25/04/2024

Heard Ms. Varsha Poddar, learned counsel appearing for the accused-applicants, namely, Sahalam Miah and Kayem Miah @ Abdul Kayam. Also heard Mr. Raju Datta, learned PP appearing for the respondent-State.

This is an application filed under section 438 Cr.P.C. for granting pre-arrest bail to the accused-applicants, who are wanted in connection with A.D. Nagar PS case No. 63 of 2023 registered under sections 326/307/34 of the IPC.

Briefly stated, on 08.11.2023 at about 17.30 hours when the father of the complainant and his brother were sitting in stair of their gate in front of their house at that time the applicants came to the house of the complainant and stabbed his father and brother with sharp cutting weapon with an intent to murder them due to which they received grievous injuries on their persons and they were taken to hospital for treatment. Thereafter, the complainant lodged the instant case against the applicants.

Ms. Poddar, learned counsel appearing for the applicants has submitted that there was a quarrel between the assailants and the complainant out of which the assailants have also sustained

injuries and they have also filed complaint against the complainant of the instant case. It is further submitted that the applicants are permanently residing within the jurisdiction of this court and they will not abscond or tamper the evidence and will also not evade the trial.

On the other hand, learned PP has produced the case diary and has strongly opposed the bail prayer.

I have perused the case diary as produced by the learned Public Prosecutor. I have also perused the case record.

It is surfaced from the record that both the alleged assailants had suffered injuries during the quarrel between them and the applicants have also lodged complaint with the concerned police station, but, police did not register their complaint for which the applicants had to appear before the S.P., West, and thereafter the applicants had to file a CR case before the court of learned CJM, West Tripura, Agartala. It is also surfaced from the case diary that there are witnesses who have stated that they had seen the accused persons, the applicants herein, to assault the victims. From the injury report of the victims prepared by the doctor, it is surfaced that the victims were discharged from hospital after 3 days from the date of alleged incident.

Considering the facts that both the victims and the alleged assailants had suffered injuries and the injuries suffered by the victims having not found so serious, and further the fact that, it is not the stage of imposing punishment to the assailants, I am inclined to release the applicants on anticipatory bail.

Accordingly, it is ordered that in the event of arrest, the accused-applicants, namely, **Sahalam Miah** and **Kayem Miah @ Abdul Kayam**, shall be released on pre-arrest bail, on furnishing bail bond of Rs. 50,000/- each supported with one surety each of the like amount to the satisfaction of the Arresting Authority.

With the above direction, the instant application stands allowed and thus disposed of.

Return back the case diary

JUDGE



SAIKAT KAR

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