

**HIGH COURT OF TRIPURA
AGARTALA
A.B. 26/2024**

Nasir Uddin		----Applicant(s)
	Versus	
The State of Tripura		----Respondent(s)

For Applicant(s)	:	Mr. Rishiraj Nath, Advocate
For Respondent(s)	:	Mr. Raju Datta, PP

HON'BLE MR. JUSTICE ARINDAM LODH
Order

15/07/2024

Heard Mr. Rishiraj Nath, learned counsel for the applicant. Also heard Mr. Raju Datta, learned PP appearing for the respondent-State.

This is an application for granting anticipatory bail to the applicant who is wanted in connection with A.D. Nagar PS case No. 25 of 2024 registered under Sections 279/304-II of the IPC and Sections 184 and 187 of the MV Act.

In the complaint, one Smt. Papiya Naha (Raha) stated *inter alia* that on 04.06.2024 at about 23.20 hours her son, namely, Samaresh Raha (now deceased) was proceeding towards his house i.e. towards Agartala side from Bishalgarh by riding his motorcycle bearing registration No. TR-01-U-6142 and upon arriving at Milan Chakra near Gopal Mistanna Bhandar, one vehicle bearing registration No. WB-26-BA-4375 came in a hurried and negligent manner and dashed with the bike, as a result of which, her son received injuries and started bleeding, and thereafter, he was shifted to TMC hospital, Hapania by the Fire Service personnel for treatment and upon seeing his condition, he was further referred to GBP hospital, Agartala. Ultimately, it was found that he was 'brought dead'. It was further mentioned that the driver of the said vehicle had full knowledge about condition of the road and such negligent driving might have caused the mishap, and as such, due to his action she lost her son.

On the basis of this complaint, AD Nagar police station had registered the aforesaid case.

It is stated in the application that the police has raided the house of the applicant on several occasions to arrest him.

Mr. Nath, learned counsel for the applicant has submitted that the applicant was not involved with the accident and he was not driving the vehicle. Learned counsel further has admitted that the applicant was/is the owner of the vehicle. It is further stated that at the time of accident even the said vehicle was not at Tripura and it was in Kolkata. Learned counsel for the applicant has further submitted that from CC TV footage it is revealed that the vehicle was moving very slowly and the deceased was driving his motorcycle rashly and negligently and virtually the motorcycle dashed the vehicle.

On the other hand, Mr. Datta, learned PP has produced the case diary and has submitted that the registration number of the vehicle as mentioned in the FIR was actually involved with the accident. Learned PP has vehemently opposed the submission of learned counsel appearing on behalf of the applicant that at the time of accident the vehicle was not at Agartala and was in Kolkata. Learned PP has further submitted that the applicant being the owner of the vehicle is the best person to disclose the name of the person who was driving the vehicle at that point of time.

I have considered the submissions advanced by learned counsel appearing for the parties. I have also perused the case diary.

From the case diary, it is not clear who is responsible for the accident, whether the rider of the motorcycle or the driver of the vehicle allegedly involved in the accident.

It is evident from the FIR that the deceased was first shifted to TMC, Hapania and later on to GBP hospital, Agartala. Though forensic examination and post-mortem examination were conducted over the dead body of the deceased, but, the Investigating officer for the reason best known to him has not annexed the said reports with the case diary.

The submission of learned counsel for the applicant that when the body of the deceased was first brought to TMC, Hapania, it was found that the deceased consumed alcohol, cannot be ruled out.

In the above circumstances, in my opinion, it is a fit case for granting anticipatory bail to the applicant, and thus, I allow this application.

Accordingly, in the event of arrest, the applicant, namely, *Nasir Uddin*, shall be released on bail on furnishing a bond of **Rs.50,000/-** with *one surety* of the like amount to the satisfaction of the Investigating Officer.

However, the applicant is directed to appear personally and produce the vehicle bearing registration no. WB-26-BA-4375 before the Investigating Officer within 2 weeks from today. The applicant shall also co-operate with the process of investigation.

The instant application stands allowed and thus disposed.

Return back the case diary.

JUDGE

SAIKAT KAR Digitally signed by SAIKAT KAR
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