

Party Name : RAJU DEBBARMA Vs STATE OF TRIPURA

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. S. Sarkar, learned counsel appearing for the petitioner as well as Mr. R.C. Debnath, learned Addl. Public Prosecutor appearing for the state.

This is an application under Section 438 of the Cr.P.C. for pre-arrest bail in favour of the petitioner, namely Sri Raju Debbarma in connection with Kalyanpur P.S. Case No.2015 KLN 043 under Sections 376/325/307 of the IPC.

The allegation initially filed against the petitioner is that on allurement, the petitioner lived in with the victim (name withheld for protecting her identity). But, one day i.e. on 22.10.2015 the petitioner after coming from his training as the police personnel, demanded some costly materials from the victim's family for purpose of finalising her marriage. When the victim raised the protest she was severely beaten up and as a result she was admitted in the Kalyanpur hospital. Based on the said ejahar, Kalyanpur P.S. Case No.2015 KLN 043 under Sections 376/325/307 of the IPC was registered and taken up for investigation.

Mr. Sarkar, learned counsel appearing for the petitioner has brought to the notice of the court the statement of the victim as recorded by the Sub-Divisional Judicial Magistrate, Khowai, West Tripura under Section 164(5) of the Cr.P.C. on 27.10.2015, where she has categorically stated that the written ejahar was filed against the petitioner who is her husband on mistaken fact and she does not have any grievance against her husband. Even she does not know what is there in the First Information Report. The said statement as recorded under Section 164(5) of the Cr.P.C. is annexed with this application as Annexure-B.

Mr. Debnath, learned Addl. Public Prosecutor, having situated thus, has submitted that he has no objection if the pre-arrest bail is granted with certain conditions so that the investigation is not prejudiced in any manner.

Accordingly, it is directed that in the event of arrest of the petitioner, namely Sri Raju Debbarma in connection with Kalyanpur P.S. Case No.2015 KLN 043 under Sections 376/325/307 of the IPC, he shall be released on bail on furnishing the bail bond of `20,000 (rupees twenty thousand) supported by one surety of the like amount to the satisfaction of the arresting authority, subject to the condition that the petitioner shall not leave his place of residence as recorded in this application without prior intimation to the Investigating Officer. Apart that, he shall not try to induce any person to dissuade him from revealing the truth to the Investigating Officer and further that he shall appear before the Investigating Officer on 16.11.2015 for purpose of examination or any other purpose relating to the investigation.

Accordingly, this application stands allowed and disposed of.