

THE HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

Bail Application No.1 of 2015

1. **Shri Dipankar Majumder(34)**
S/o Shri Nishi Kanta Majumder.
2. **Shri Arghya Majumder(18)**
S/o Shri Arjun Majumder.
3. **Shri Nikhil Majumder(54)**
S/o Late Nani Gopal Majumder.
4. **Shri Sujit Majumder(43)**
S/o Shri Nakul Majumder.
5. **Shri Sushil Majumder(59)**
S/o Late Nani Gopal Majumder.
6. **Smt. Silpi Majumder(38)**
W/o Shri Arjun Majumder.
7. **Smt. Ruma Majumder(38)**
Shri Sujit Majumder.
8. **Smt. Sima Majumder(31)**
W/o Shri Subrata Majumder.
9. **Smt. Khela Majumder(45)**
W/o Shri Nikhil Majumder.
10. **Smt. Amitra Majumder(42)**
W/o Shri Ganesh Majumder.
11. **Shri Rana Majumder(19)**
S/o Shri Nikhil Majumder.
12. **Shri Uttam Majumder(24)**
S/o Shri Ganesh Majumder.
13. **Smt. Minati Majumder(62)**
W/o Late anil Chandra Majumder.
14. **Shri Subrata Majumder(42)**
S/o Late Anil Majumder.
15. **Shri Bapi Majumder(35)**
S/o. Late Anil Majumder.
16. **Shri Arjun Majumder(48)**
S/o Late Nani Gopal Majumder.
17. **Shri Partha Majumder alias Bapi(42)**
S/o Shri Nishi Kanta Majumder.

18. Shri Debabrata alias Debu alias Debasish Majumder(39)

S/o Late Anil Chandra Majumder.

19. Smt. Sumati Majumder(62)

W/o Shri Nakul Chandra Majumder.

All are inhabitants of Chandrapur,
Tata kalibari, P.S. East Agartala,
District West Tripura.

..... *Applicants.*

- Vs -

The State of Tripura.

..... *Respondent.*

_B_E_F_O_R_E_

THE HON'BLE CHIEF JUSTICE MR. DEEPAK GUPTA

For the applicants	:	Mr. P K Biswas, Sr. Advocate, Mr. H K Bhowmik, Advocate, Mr. P Majumder, Advocate.
For the respondent	:	Mr. R C Debnath, Addl.P.P.
Date of hearing	:	14.01.2015.
Delivery of order	:	20.01.2015.

ORDER

This application for grant of bail has been filed by as many as 20 bail applicants whereby they have prayed that they be granted bail in case arising out of Case No.S.T.100(T-1)/2014) wherein charge-sheet has been filed against the accused persons under Sections 143, 147, 149, 120(B), 141, 342, 354, 354(B), 325, 395, 397 and 506 of I.P.C.

2. The main grounds urged for grant of bail are that some of the petitioners are ladies, some are government employees and some are students and they have been in jail since

October, 2014. Furthermore, it is urged by Mr. P K Biswas, learned senior counsel appearing for the applicants that in the FIR which was originally filed and the first statement of the complainant given to the police, reference was made only to Sections 341, 342, 325, 427/34 I.P.C and he submits that the other offences have been added later on and this is an improvement in the case.

3. As far as the last submission is concerned, I am not in agreement with the learned counsel for the applicants. A complainant does not know the law. The complainant only states the facts to the police and it is for the police to decide what offence is made out. In fact, as far as the present case is concerned, after the police had registered an FIR only in respect of bailable offences and the accused persons were bailed out, there was a *hue and cry* and reports appeared in the press. A video CD was circulated which is part of the charge-sheet and a perusal of the CD does show that a large number of people including the applicants had held some sort of a Kangaroo Court wherein *prima facie* it appears that the modesty of the complainant was outraged and she was subjected to humiliation and physical, verbal and mental assault. Therefore, what are the offences, if any, for which the accused are to be charge-sheeted or convicted is something for the trial Court to decide on the

basis of evidence and at this stage, this Court cannot grant bail on this ground.

4. Another ground raised by Mr. Biswas is that all the applicants have been in jail since October, 2014. The investigation is complete. The charge-sheet has been filed and, therefore, they should be released on bail and if necessary, stringent conditions be put on them including the condition that they will not visit the area where the complainant and her husband reside. On the other hand, it is urged by Mr. R C Debnath appearing on behalf of the State that the complainant and her husband have filed reports that the relatives of the accused persons are threatening them with dire consequences if they do not withdraw the case.

5. Normally, in a case of this nature where investigation is complete the Court would have granted bail. However, the facts of this case are very different. It was only after public outcry that the case was registered. It is also very clear that the accused persons acted as if they were judging the complainant and in a mob frenzy the complainant was assaulted physically and verbally and attempts were made to disrobe her. In such a situation, the complainant and her husband and the other eye-witnesses would be justified in apprehending that the accused persons who had earlier taken the law into their own hands, may do so again and threaten them. Though, normally in a case where

such offences are involved this Court may have granted bail after investigation is complete, after seeing the video CD I am clearly of the view that these persons cannot be released on bail at least till the main witnesses are examined. I have been informed that the case has been fixed for evidence of the witnesses on 4.3.2015, 5.3.2015, 7.3.2015, 9.3.2015, 10.3.2015 and 11.3.2015 respectively. Therefore, the prayer for grant of bail at this stage cannot be accepted. It is made clear that the complainant, her husband and other eye-witnesses, if any, must be examined on the dates fixed.

6. I am of the view that the applicants cannot be kept indefinitely in jail and whether the evidence of complainant and her eye-witnesses is recorded or not the applicants shall on 11.3.2015 be entitled to be released on bail on their furnishing bail bond of ***Rs.10,000/- (Rupees ten thousand)*** each with one surety of the like amount to the satisfaction of the learned trial Court subject to the following terms and conditions :

- (i) That applicants shall undertake to appear before the Court on each and every date and in case any applicant fails to appear before the trial Court on any date then his/her bail shall automatically stand cancelled and that person shall be re-arrested and not granted bail again.
- (ii) The applicants shall not, in any manner, threaten or coerce the complainant, her husband or

any of the other witnesses including the person who recorded the video recording.

(iii) The applicants shall not leave Tripura without permission of the appropriate Court.

The bail application is disposed of in the aforesaid terms.

CHIEF JUSTICE

Sukhendu