

Party Name : SUMITA SHARMA Vs STATE OF TRIPURA

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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This is an application for grant of anticipatory bail in respect of FIR No.158 of 2013 lodged with the West Agartala Police Station under sections 366A, 376, 325 and 109 of the Indian Penal Code (IPC).

The complaint in question was lodged on 02-06-2013. In the said complaint, the father of the prosecutrix alleged that the main accused, son of the present petitioner, had kidnapped his minor daughter, the prosecutrix. It was alleged that the main accused Sujit Sharma was helped by his mother, the present petitioner. This FIR was lodged more than six months after the occurrence took place. Even in the FIR, it was mentioned that earlier also when such occurrence had taken place, the complainant had asked his daughter to go to the house of the accused. Therefore, at this stage it cannot be said that the present petitioner who is the mother of the main accused has any direct dealing in the matter and other than the allegation that she helped her son, there is no specific allegation against her. Therefore, without going into the merits of this case, this Court orders as follows:-

It is directed that in the event of her arrest, the petitioner shall be enlarged on bail on her furnishing a bail bond in the sum of Rs.10,000/- (rupees ten thousand) with one surety in the like amount to the satisfaction of the Arresting Officer subject to the following terms and conditions:-

(i) That, the petitioner is directed to cooperate with the investigation. Since the petitioner is a lady, she shall, as far as possible, be questioned at her residence in the presence of a lady constable;

(ii) The petitioner is further directed not to tamper with or in any manner influence the prosecution witnesses;

(iii) The petitioner is further directed not to in any manner try to influence any of the prosecution witnesses;

(iv) The petitioner is further directed not to cause any hindrance in the investigation;

(v) The petitioner shall not leave Tripura without permission of the appropriate Court;

(vi) In case, the petitioner violates any of the conditions or tries to delay the trial the prosecution shall be at liberty to apply for cancellation of bail.

The privilege of the anticipatory bail shall be available to the petitioner till charge-sheet is filed whereafter she shall have to apply for regular bail before the appropriate Court.

On the petitioner filing application for supply of the copy on payment of appropriate fees, the copy of the same shall be supplied to the petitioner by tomorrow.