

Party Name : PRABHAT DEBNATH ON BEHALF OF ACCD. TAPAS LASKAR & ORS Vs THE STATE OF TRIPURA

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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This is an application for grant of bail by the petitioner Sri Prabhat Debnath on behalf of the accused persons in connection with Bishalgarh P.S. case No.166 of 2014.

The prosecution case is that the accused persons along with a large number of other persons, about 100 in number, went to the house of the complainant, broke the boundary fencing and disconnected the electric line. It is alleged that these 100 people assaulted the sister-in-law of the complainant. She was, however, taken out of the hut and thereafter, the hut was set on fire.

Sri A.K. Bhowmik, learned Sr. Counsel for the petitioner, submits that the investigation in the matter is complete, charge-sheet has been filed and one of the co-accused has been ordered to be released on bail vide order dated 19-12-2014 passed in Bail Application No.152 of 2014.

As far as naming or not naming some of the accused persons is concerned, that in my view would not be material because when the complainant has received information from his sister-in-law about her attack by almost 100 persons, it would not be possible for the complainant to name so many persons in the FIR. Having held so, the settled law is that there is a presumption of innocence and bail, not jail is the rule.

The accused themselves surrendered on 12-12-2014 and have been behind bars for more than a month. The charge-sheet has also been filed on 28-12-2014 which clearly indicates that the investigation is complete. The main witnesses are the complainant and his sister-in-law and this Court must ensure that there is no threat to these two main witnesses.

Therefore, it is directed that the accused persons shall be released on bail on their furnishing personal bail bond in the sum of Rs.20,000/- (rupees twenty thousand) with one surety each in the like amount to the satisfaction of the trial Court undertaking therein:-

- (i) That, they shall not in any manner try to influence the prosecution witnesses;
- (ii) They shall not directly or indirectly talk to the complainant or any of the witnesses to be produced by the prosecution;
- (iii) That, they shall ensure that no threat directly or indirectly is given to any of the prosecution witnesses ;
- (iv) They shall ensure that they are present in Court on each and every date of hearing and if it is found that because of the large number of accused involved in the case, the trial is being delayed because of non presence of the accused on one pretext or the other, the prosecution shall be at liberty to approach this Court for cancellation of the bail;
- (v) Even if the trial Court finds that the trial of the case is being delayed because of the non appearance of the accused, the trial Court shall be at liberty to refer the matter to the High Court for cancellation of the bail;

With these observations, the bail application is disposed of.

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.