

Party Name : MALATI REANG & 2 ORS Vs THE STATE OF TRIPURA

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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This petition for grant of anticipatory bail has been filed in respect of Natun Bazar P.S. case No.53 of 2014 under sections 148/149/333/120B of the Indian Penal Code (IPC).

The allegations against the petitioners are that they were indulging in gambling with the use of arrows at Chellagangmukh market and when the police officials tried to stop this gambling, the petitioners jointly obstructed the same and assaulted the police party with lathis, pieces of bricks, sharp objects etc. It is alleged that the police officials suffered simple injuries.

Sri A.K. Bhowmik, learned Sr. Counsel for the petitioners, submits that without admitting the allegations of the prosecution, even if the allegations are accepted to be correct at this stage, the police officials were admittedly not in uniform and the accused had no means of knowing that they were police officials or not and, therefore, no offence under section 333 is made out.

At this stage, this Court cannot say with certainty whether the accused were aware of the fact that the persons with whom they had a fight were Government officials or not.

Therefore, it is directed that in the event of their arrest, they shall be enlarged on bail on their 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 petitioners shall appear before the Investigating Officer at 11.00 a.m. on Saturday (17.01.2015). They shall also appear before the Investigating Officer on every subsequent date for which a written notice is served upon them;
- (ii) The petitioners are further directed not to tamper with or in any manner influence the prosecution witnesses;
- (iii) The petitioners are further directed not to in any manner try to influence any of the prosecution witnesses;
- (iv) The petitioners are further directed not to cause any hindrance in the investigation;
- (v) The petitioners shall not leave Tripura without permission of the appropriate Court;
- (vi) In case, the petitioners violate any of the conditions or try to delay the trial the prosecution shall be at liberty to apply for cancellation of bail.

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