

Party Name : MUJIBAR RAHAMAN & ORS Vs THE STATE OF TRIPURA

---

THE HONBLE MR. JUSTICE S.C.DAS

---

Heard learned counsel, Mr. S.B. Debnath for the petitioners and learned Addl. P.P., Mr. R.C. Debnath for the State respondent.

Case diary is produced. Perused the case diary.

A similar bail application, vide A.B. No.110 of 2014 of these accused-petitioners was rejected by this Court by order dated 01.08.2014. On the same ground the present bail application has been filed. In the earlier order passed by this Court it was specifically mentioned that no direct evidence was found against the accused-petitioners.

The kidnapping of the minor girl, allegedly, was committed at night time when eyewitnesses were not available. I.O. during investigation has examined some available witnesses and recorded their statements from which reasonable suspicion exists that the accused-petitioners might be involved in the commission of the offence. In the statement of one of the witnesses it is found that on the evening of the night of occurrence the accused-petitioners were found along with the principal accused, Mamun Maih and after the kidnapping, Mainur Uddin, the driver of the vehicle which was used in the kidnapping, was arrested and in his statement the name of the accused-persons transpired.

Statement of a co-accused cannot be regarded as an evidence against other accused-persons but at the stage of investigation the materials collected by I.O. even the statement of a co-accused, cannot be ignored, at least for the purpose of considering bail application.

The earlier bail application was rejected with some definite observation and I find no new ground to consider pre-arrest bail of the petitioners and hence the bail application stands rejected.

The accused petitioners if so advised may surrender before the appropriate Court and pray for bail.

Case diary is returned to learned Addl. P.P.