

Party Name : DEBAJIT DEBBARMA @ DEBOJIT DEBBARMA & ORS Vs THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This application for grant of anticipatory bail has been filed by the petitioners in respect of Srinagar P.S Case No.002 of 2015 dated 13.01.2015 registered against the petitioners under Section 353/333/427 read with Section 34 IPC.

Briefly stated the prosecution story is that on 12.01.2015 at about 1.30 pm Sri Uttam Das Baishnab, Deputy Collector & Magistrate, office of the SDM, Jampuijala, Sepahijala along with certain other officials of his department as well as the police conducted raids in the shops of Dilip Debbarma and Uttam Debbarma. This party had prior secret information that some Indian made foreign liquor was being illegally kept in the premises of Dilip Debbarma and Uttam Debbarma. According to the complaint made by Sri Uttam Das Baishnab on 12th January, 2015 itself during these raids a huge amount of Indian made foreign liquor was seized from the premises of Dilip Debbarma and Uttam Debbarma.

At about 2.20 pm after the raids had been completed and the raiding party was about to leave the area in question along with the seized liquor, the petitioner-accused persons attacked the members of the raiding party and the driver, Md. Apan Dulal and Sub-Inspector, Sri Manoj Debbarma of the Excise Department suffered numerous injuries in the attack. These five accused persons along with many other persons attacked the government officials, took away the seized liquor and under this threat the complainant and the other members of the party including the police officials had to run away from the spot.

It has been urged by Sri P. Rathor, learned counsel for the petitioners that the case against the petitioners is totally false. He submits that the two shop keepers had not been made a party and according to him the names of the petitioners have falsely been included in the FIR.

I have gone through the FIR and I find that the complainant-informant has vary fairly and candidly in the FIR itself stated that he had collected the names from the local persons. Obviously, he could have no knowledge of the names because he was not a resident of the Gabardi Barzar area where the shops are situated. I have also gone through the case diary and I find that names of these accused persons have also been mentioned by other witnesses including the two injured persons.

It is indeed a shocking state of affairs where citizens challenge the rule of law and obstruct the activities of government officials, especially Magistrates and Police Officials who are carrying out their duties in accordance with law. Such antisocial elements have no place in society and they should not be granted bail liberally.

Therefore, I find no merit in this application for grant of anticipatory bail which is accordingly rejected.