

Party Name : BISWAJIT DAS Vs THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

In this case this Court had earlier rejected anticipatory bail application filed by the petitioner vide order dated 19.02.2015. while rejecting this bail application this Court had directed notice to be issued to the Officer-in-Charge of Kalyanpur Police Station and relevant portion of the order read as follows:

"8. It is indeed shocking that the Officer-in-Charge of the Kalyanpur Police Station did not make any effort to himself record an FIR. A minor girl allegedly aged about 15 years was being produced in the police station after she had been missing for 7 days. This Court is firmly of the view that a duty was cast upon the police official to have asked the minor girl where she had been and who had taken her away from the custody of her parents. The police official did not have to wait for the girl or her father to lodge a complaint in writing. If the girl at that very time had told him that she had been kidnapped by any one of the accused with the help of the other co-accused, a cognizable offence would have been disclosed and FIR should have been lodged.

15. Registry is directed to find out who was the Officer-in-Charge of Kalyanpur Police Station on 24th December, 2014 and notice shall be issued to that police officer to show cause why action should not be taken against him under the Contempt of Courts Act for violation of the orders of this Court. The concerned Officer-in-Charge of the Police Station shall appear in this Court along with the G.D. Entry Book of 24th December, 2014. That matter shall be registered separately and be listed on 3rd March, 2015."

Thereafter notice was issued to the Officer-in-Charge of Kalyanpur Police Station and this proceeding was registered as Cont. Cas(c) No.8 of 2015. In that contempt petition the Officer-in-Charge of the Kalyanpur Police Station had filed his affidavit in which he had stated that when asked the victim had informed him that she had voluntarily left her father's home and when the father was asked to lodge a complaint he refused to do so. The woman staffs several times asked the girl to state correct fact but she did not state anything.

Now this anticipatory bail application has been filed that in view of what has been stated by the Officer-in-charge of the Kalyanpur Police Station and as recorded in G.D Entry Nos.1008 of 21:30 hrs. dated 24.12.2014 and 1010 of 22.30 hrs. dated 24.12.2014 no cognizable offence was disclosed when the girl was recovered. Therefore, the submission of the petitioner that later on a false story was cooked up cannot be said to be totally without any basis. In this view of the matter I feel that this is a fit case for grant of interim bail.

Therefore, it is ordered that in event of arrest of the petitioner (**Biswajit Das**) he shall be enlarged on bail on his furnishing a bail bond in the sum of **Rs.10,000/- (Rupees ten thousand)** with one surety of the like amount to the satisfaction of the arresting officer subject to the following terms and conditions :

- i) That petitioner shall appear before the Investigating Officer at 11.00 a.m. on **23rd March** and thereafter on every date for which a written notice is served upon him;
- 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;

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.