Case No :BA 0000031/2015

Party Name : POHAR PATRIC DEBBARMA ON BEHALF OF ACCD. DR. SACHLANG DEBBARMA Vs THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This application for grant of bail has been filed by the applicant-petitioner Shri Pohor Patric Debbarma on behalf of the accused, Dr. Sachlang Debbarma (hereinafter called as the main accused) in respect of FIR No.146 of 2014 registered with West Agartala Women Police Station on 26.11.2014 against the main accused under Section 342/376(1)/417/ 313/323 IPC.

The main accused and the prosecutrix are both doctors. From the averments made in the complaint on the basis of which FIR was registered it is apparent that the prosecutrix had sexual intercourse with the main accused. According to the prosecutrix the main accused forcibly raped her for the first time on 24th April, 2014 but threatened her not to tell this to any person. Thereafter she became pregnant and wanted to file an FIR but then the main accused promised to get married to her.

According to the prosecutrix she met the family members of the main accused who are also accused in the case at Agartala. It is alleged that the family members had also assured her that the main accused would get married to her. The rape allegedly took place at Shillong and thereafter the prosecutrix also went back to Shillong. According to the prosecutrix she again came to Agartala on 16th November, 2014 to compel the main accused to marry her and at that time she was beaten up by the main accused and his parents. She made many complaints and finally she lodged the complaint in question on 26th November, 2014.

The investigation has been completed and the charge sheet has been filed and copy has been handed over to the accused persons. I have been informed at the Bar that the matter is fixed on 22nd April, 2014 for further committal proceedings.

The main accused is a doctor. He is now settled in Tripura. There is very little chance of his escaping from Tripura. I have also been informed that the prosecutrix has in fact shifted to Tripura and is now working at Agartala.

Therefore, in my view without going into the merits of the allegations this is a fit case where bail should be granted to the main accused. Accordingly, I direct that the main accused, Dr. Sachlang Debbarma be released on bail on furnishing bail bond in the sum of Rs.25,000/- (rupees twenty five thousand) with two sureties in the like amount to the satisfaction of the Chief Judicial Magistrate, West Tripura, Agartala undertaking therein:

(i) That, the main accused is directed not to tamper with or in any manner influence the prosecution witnesses;

(ii) That, the main accused shall ensure that no threat directly or indirectly is given to any of the prosecution witnesses;

(iii) The main accused is further directed not to cause any hindrance in the investigation;

(iv) The main accused shall not leave Tripura without permission of the appropriate Court;

(v) The main accused persons shall appear before the trial Court on each and every date of hearing. In case, he absents himself on any date, then the trial Court shall cancel the bail and the main accused shall be arrested. Thereafter, the said person shall have to approach this Court for grant of bail;

(vi) In case, the main accused person violates any of the conditions or tries to delay the trial, the prosecution shall be at liberty to apply for cancellation of bail.

Keeping in view the fact that the committal proceedings are likely to be completed in the month of April, 2015 and also keeping in view the fact that the prosecutrix is not a permanent resident of Tripura and is probably residing in Tripura only with a view to prosecute the case, the Court where trial is started shall ensure that entire trial is completed latest by 31st July, 2015.

With these observations, the bail application is disposed of.

On the applicant-petitioner filing application for supply of the copy on payment of appropriate fees, the copy of the same shall be supplied to him during the course of the day.