

Party Name : KISHORE SAHA Vs THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This is an application for grant of anticipatory bail filed by the petitioner in respect of West Agartala Women P.S. Case No. 17 of 2015 under Sections 354/325/509 and 354(B) IPC registered on 09.04.2015.

The complaint of the victim is that she purchased one pair of shoes from the shop of the present petitioner. When she went home she found there was some defect in the shoes. She on the next day went to change the shoes at the shop. According to her, some person was pushing her from the back side and was touching various parts of her body. When she raised an objection, a scuffle started and this person started outraging her modesty. Her maternal aunt and one friend came forward to save her. It is alleged that the accused thereafter caught hold of the victim by her hair, forced her down on the ground and when she tried to run away he again caught her from the back and gave fist blows to her. She also complained that her shoulders started bleeding and then some people gathered there. In the same complaint, it is mentioned that the same person had tried to outrage her modesty inside the shop on the earlier day that is the day when she had gone to purchase the foot wear, but she had avoided to say anything, but on the next day she could not tolerate the behaviour. She later came to know that this man was the owner of the shop.

At this stage, this Court is not concerned with the merits of the case. The only question is whether anticipatory bail should be granted to the accused or not. Whether the allegations are right or wrong are not for this Court to decide at the time of consideration of the application for grant of bail.

I have, however, gone through the medical record and I find that there are no serious injuries on the person of the victim. The accused is a shop keeper having a permanent abode at Agartala. He is not likely to flee away from Agartala and will face trial. The offence is not so serious that anticipatory bail should not be granted.

I am also of the view that custodial interrogation may not be required because the witnesses are the maternal aunt and close friend of the victim and they cannot be influenced by the accused.

Therefore, it is ordered that in the event of his arrest, the petitioner shall be enlarged on bail on his furnishing a bail bond in the sum of Rs.20,000/- (rupees twenty 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 petitioner shall appear before the Investigating Officer at 11.00 a.m. on 8th May, 2015. He shall also appear before the Investigating Officer on every subsequent 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;

(vi) 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.

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