

Party Name : SUBHAS KAR & ANR Vs THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This is an application for grant of anticipatory bail filed by the accused-applicants, (Shri Subhas Kar and Shri Pradip Kar) in respect of East Agartala Police Station Case No. 81 of 2015 registered under Sections 353/427 read with 34 IPC.

The allegations against the accused-applicants are that one 11 KV line at Sukanta colony near auto stand runs near the property of the accused-applicants. In the FIR it is alleged that on 24.05.2015 one big branch of the banyan tree fell on the 11 KV line at Sukanta Colony and, therefore, the line was not energized to prevent any untoward incident. Some officials of the Tripura State Electricity Corporation under one Sri Pranab Saha, Sr. Helper first clear the line at Mahasakti Club area then they rushed to this spot in a hired vehicle where a few persons of the locality including the accused-applicants misbehaved with the electrical staffs and physically assaulted the staffs. They also damaged and broke the vehicle in question and on this basis the FIR has been lodged.

At the this stage, this Court is not go into the merits of the case but even if the allegations are taken to be truth, according to the allegations the staff of the electricity corporation were assaulted by the accused-applicants.

This Court is clearly of the view that though the public may have arrived to protest and raise the voice against the working of the employees, at the same time the public has no right to assault public officials and has also not right to take the law in their own hands. However, whether the law was taken in their own hands or not is the matter to be decided at the time of trial. At this stage it cannot be said with certainty that the accused-applicants are guilty. Furthermore, the witnesses are all Govt. officials and the accused-applicants cannot in my view influence the prosecution witnesses.

Therefore, I feel that this is a fit case where anticipatory bail should be granted and accordingly, it is directed that in the event of their arrest, the accused-applicants (Shri Subhas Kar and Shri Pradip Kar) shall be enlarged on bail on their furnishing a bail bond in the sum of Rs.20,000/- (Rupees ten thousand) each with one surety in the like amount to the satisfaction of the Arresting Officer subject to the following terms and conditions:-

(i) That each of the accused-applicants shall report to the police station East Agartala on 9th June, 2015 at 10.30 am and on each date thereafter as ordered by a written notice by the Investigating Officer concerned.

(ii) The accused-applicants are also directed to report to the police station East Agartala on every Saturday at 9.30 am till the trial is over.

(iii) The accused-applicants are directed not to tamper with or in any manner influence the prosecution witnesses;

(iv) The accused-applicants are further directed not to in any manner try to influence any of the prosecution witnesses;

(v) The accused-applicants are further directed not to cause any hindrance in the investigation;

(vi) The accused-applicants shall not leave Tripura without permission of the appropriate Court;

(vii) In case the accused-petitioners are even remotely involved in any other case of violence or in trying to influence the prosecution evidence, the State shall be at liberty to approach this Court for cancellation of bail.

Application is disposed of.

On the applicants filing application for supply of the copy on payment of appropriate fees, the copy of the same shall be supplied to them during the course of the day.

Copy of this order be also supplied to the learned Addl. P.P for doing needful during the course of the day.