

Party Name : SURAJIT DEBBARMA Vs THE STATE OF TRIPURA

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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This is an application for grant of anticipatory bail in respect of Santir Bazar P.S. Case No.22/2015 registered under sections 417/376(2)(n)/120(B) of the Indian Penal Code (IPC).

The allegation of the informant-complainant-victim is that she had a love affair with the petitioner. According to her, the petitioner had promised that he would marry her and hoping and expecting that the petitioner would marry her she had sexual intercourse with him. It is not necessary to give other details, but according to the victim, the petitioner refused to marry her and therefore, has committed offences punishable under Sections 417 read with Section 376(2)(n) of the IPC.

The admitted facts are that the victim herself is 21 years old. Even as per her statement, the sexual acts, if any, were consensual in nature. Whether a promise of marry was held out or not cannot be decided at this stage. However, I am clearly of the view that keeping in view the allegations made in the petition wherein it is stated that the petitioner and the victim had consensual sex, this is a fit case for grant of bail.

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.10,000/- (rupees Ten 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 Saturday (04.07.2015). 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.