

Party Name : MD. BILLAL MIAH Vs THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This is an application for grant of anticipatory bail filed by the accused applicant in respect of FIR No.33 of 2015 registered with P.S. Jatrapur Police Station under Section 302 of IPC.

The applicant is a businessman. It is alleged that Khalek Choudhury was the driver of the applicant. It is not disputed that Khalek Choudhury left the job of the applicant and started driving his own '*Commander Jeep*' bearing Registration No.TR-01-4313. Khalek Choudhury was the owner of the said vehicle.

The case set up by the prosecution is that the accused applicant is engaged in smuggling business and is indulging in various other unlawful activities and since deceased Khalek Choudhury was in knows of his secrets, the accused wanted the deceased to rejoin his service. The case of the prosecution therefore is that it is suspected that the accused has murdered the victim Khalek Choudhury.

It was also alleged that the accused is involved in other cases under the NDPS Act. I had called for the records of two other cases and I find that applicant is not an accused in those cases. The Investigating Officer is directed to be careful in future and not to make a wrong statement in the report given to the Court.

Be that as it may, from the perusal of the Case Diary I find that at the present stage, it is only a case of suspicion and there is no material against the petitioner. Though, normally, in a case of murder this Court would be very very reluctant to grant bail much less anticipatory bail, in this case I find that at this stage other than suspicion on the ground that the deceased was the employee of the applicant there is no other material on record. On the other hand, the applicant has placed record the copy of his 'Passport' to show that at the relevant time he was in Bangladesh.

This Court is not going into the merits of the case. At this stage there is, virtually, no evidence against the accused and therefore, it is ordered that in the event of his arrest, the applicant (**Md. Billal Miah**) shall be enlarged on bail on his furnishing a bail bond in the sum of **Rs.50,000/- (Rupees fifty thousand)** with one surety in the like amount to the satisfaction of the arresting officer subject to the following terms and conditions:-

- (i) The applicant shall appear before the Investigating Officer at 10.00 a.m. on **Tuesday (14.7.2015)** and surrender his Passport to the Investigating Officer. Thereafter on every date he shall appear before the Investigating Officer for which a written notice is served upon him;
- (ii) The applicant is directed not to tamper with or in any manner influence the prosecution witnesses;
- (iii) The applicant is further directed not to in any manner try to influence any of the prosecution witnesses;
- (iv) The applicant is further directed not to cause any hindrance in the investigation;
- (v) The applicant shall not leave Tripura without permission of the appropriate Court;
- (vi) In case, the applicant violates any of the conditions or tries to delay the trial the prosecution shall be at liberty to apply for cancellation of bail.

In case any further evidence is collected by the prosecution against the applicant during investigation the prosecution will be at liberty to approach this Court for cancellation of bail.

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