

Party Name : RIPAN SARKAR ON BEHALF OF ACCD. PARTHA SARKAR Vs THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This application for grant of bail has been filed by the applicant Sri Ripan Sarkar on behalf of accused Sri Partha Sarkar in connection with a case arising out of FIR No.135 of 2014 registered with Bishalgarh Police Station under Sections 409/468/471/34 of the Indian Penal Code (IPC) and Section 13 of Prevention and Corruption Act, 1988.

The petitioner had earlier filed Bail Application No.47 of 2015 and this application came up for hearing before the Court on 10.06.2015 and this Court had granted bail to the petitioner on the following grounds:-

"...On merits of the case I see no reason to grant bail because the charges against the accused are serious in nature. The only reason which has weighed with this Court for grant of bail is that the wife of the accused is in advance stage of pregnancy and it is stated by Mr. D Bhattacharji that the delivery is expected at any time.

The wife and the unborn child of the accused have not committed any crime and they should not be deprived of his attention and love during this period. Therefore, only on this ground, I direct that the accused person namely Sri Partha Sarkar be released on interim bail..."

The petitioner was directed to surrender at the Kendriya Sanshodanagar (Central Jail), Bishalgarh on 2nd July, 2015. He has surrendered, but has filed another Bail Application and in this Bail Application, it is stated that due to some legal complication, the wife of the petitioner could not deliver the child.

I had called for the records of the earlier petition and I find that this Court had been influenced by the certificate issued by Dr. Jahar Lal Baidya, Consultant Obstetrician & Gynecologist, Agartala, who had issued the following certificate:-

"To whom so ever it may concern

This is to certify that Mrs. Jhuma Sarkar 29+F, W/O Mr. Partha Sarkar of Fultali, Agartala is pregnant in advance stage. She is advised to get hospitalized on 05.06.2015 for her confinement. This certificate is issued for needful and necessary action.

Sd/- Illegible

DR. JAHAR LAL BAIDYA

Consultant Obstetrician & Gynecologist,

AGMC & GBP Hospital,

Agartala, Tripura (W)."

On the basis of the certificate, I had thought that the petitioner's wife would be confined for delivery on or about 5th June, 2015.

From the record, I find that the wife of the petitioner never went to the hospital on 5th June, 2015. She only went on 22nd June, 2015 and on 1st July, 2015, the doctor gave the corrected date of delivery as 28th July, 2015.

In view of these contradictory statements, I am not inclined to grant any further bail to the petitioner.

It is, however, made clear that once his wife is admitted in hospital then the petitioner can move the Court again for grant of bail.

Therefore, the bail petition is dismissed with liberty reserves to the petitioner to approach this Court after his wife is confined to hospital.