

Party Name : KRISHNADHAN TRIPURA & ANR Vs THE STATE OF TRIPURA

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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This petition for grant of Anticipatory Bail has been filed by the petitioners, who are the parents of the assailant, who is a juvenile and therefore, his name is not been disclosed and he is being referred to as @@@@D@@@.

The case of the prosecutrix is that she was raped by @@@@D@@@, but later @@@@D@@@ professed that he loved the victim and he would get married to her. According to the prosecutrix, she became unwell and while her sister took her to the hospital at Udaipur, on medical examination it was found that the victim is five months pregnant. Thereafter, according to the victim, she was taken to Julaibari police outpost. There the parents of @@@@D@@@ also allegedly came there to the police outpost and promised that they would get their son married to the victim and therefore, nothing further was done in that case.

According to the victim, she felt ill and the parents of the D were informed about her illness. Four persons including the present petitioners took her to the hospital in Belonia and got her aborted and after that neither D nor his parents contacted her.

Later when her family tried to contact the father of D, he told them to contact him after the ADC elections. However, when she went to the house of the petitioners after the ADC election, D@@@s mother threw urine on her face and D and his father also assaulted her. Such a statement has been made under Section 164 Cr.PC before the Magistrate.

It is urged on behalf of the petitioners that the victim is an adult and she could not have been raped by the minor child. It is further urged that there is no fault of the petitioners and no case is made out against the petitioners. Lastly, it is urged that neither the name of the doctor nor the clinic where the victim was got aborted has been stated by her.

As far as the last argument is concerned, in this regard, I would only like to state at this stage that the Magistrate who recorded the statement of the victim has mentioned that the victim could not speak any language other than 'Kokborok' and therefore, her statement was recorded with the help of a translator. A victim who does not even know Bangla, Hindi or English would not know the name of the doctor or the clinic because no such names are given in Kokborok language in towns. Therefore, the non-naming of the doctor or the clinic is of no help.

As far as the allegations made are concerned, at this stage of bail, these allegations cannot be said to be totally unfounded. It is also alleged that the petitioner No.1, who is the father of @@@@D@@@ is trying to misuse his position as a Chairman of ADC.

This Court is not commenting on the merits of the case, but keeping in view the aforesaid circumstances, I am clearly of the view that some custodial investigation is required in this matter. The petitioners cannot be granted Anticipatory Bail. They may, however, move for grant of regular bail after their interrogation has been done by the police. Such application shall be decided by the Court strictly in accordance with law totally uninfluenced by the order passed today.