

Party Name : JITENDRA SARKAR ON BEHALF OF ACCD. RANJIT BISWAS Vs THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This application for grant of bail has been filed by the petitioner Sri Jitendra Sarkar on behalf of accused Sri Ranjit Biswas in connection with a case arising out of FIR No.2015 APR 030 dated 08.05.2015 registered with Airport Port Police Station under Section 366(A) of the Indian Penal Code (IPC).

The facts of the case are that on 08.05.2015 one Smt. Gouri Choudhuri lodged the FIR at the police station alleging that on 04.05.2015 her minor daughter aged 16(sixteen) years was going to the house of her private tutor. On the way the accused forcefully kidnapped her minor daughter.

Earlier the petitioner had filed anticipatory bail application being A.B. No.47 of 2015. In that case the victim referred herein to as "L" appeared in Court to support the accused. The victim "L" stated to this Court that she is living in the house of the accused voluntarily without any force or pressure being put on her. Earlier, she had also filed an affidavit to this effect. On examination of the victim "L" in Court I found that she was an educated girl and it appeared to me that she was under no pressure. However, I found that she is only 15 years and 7(seven) months old and, therefore, not legally competent to give consent and hence, I had rejected the anticipatory bail application of the accused herein.

As far as the victim "L" is concerned she refused to go with the parents and, therefore, this Court had ordered that she be kept in the Protective Homes for Girls run by the Directorate of Social Welfare & Education, Abhoynagar, Agartala.

The accused has been behind bars from 16.07.2015 for almost 13(thirteen) days. His interrogation is complete. He may be guilty of some offence but the fact remains that the victim girl had in this Court stated that she was not under any pressure.

Sri R. C. Debnath, learned Addl. P.P has relied upon the report of the S.I. of the police station in which it is recorded that on 16.07.2015 the complainant had lodged another report to the effect that her daughter had been kidnapped by the accused and that the accused had threatened over mobile no. 9089649059 and therefore, all family members of the complainant are under fear of the accused.

First of all I fail to understand why the accused was not arrested by the police immediately after 19th June, 2015. I clearly remember that when the order was passed the accused was in Court. Why did it take the police more than 27 days to arrest the accused. Surprisingly, this complaint is dated 16th July, 2015 and is timed at 11 a.m and on the same day the accused has also been arrested. Whatever be the situation, I am clearly of the view that the accused is entitled to be released on bail because of the fact that the victim girl has willingly gone with him. There is no question of any influence being put because the victim girl has made her statement to this Court as far as this aspect of the case is concerned. She had clearly stated to this Court that she was living with the accused of her own volition. Therefore the bail application is allowed and the accused, Sri Ranjit Biswas is ordered to be released on bail on his furnishing bail bond in the sum of Rs.20,000/- (rupees twenty thousand) with one surety in the like amount to the satisfaction of the learned Trial Court undertaking therein:-

- (i) That, the accused is directed not to tamper with or in any manner influence the prosecution witnesses;
- (ii) That, the accused shall ensure that no threat directly or indirectly is given to any of the prosecution witnesses;
- (iii) The accused is further directed not to cause any hindrance in the investigation;
- (iv) The accused shall not leave Tripura without permission of the appropriate Court;
- (v) The accused person shall appear before the trial Court on each and every date of hearing. In case, he absent himself on any date, then the trial Court shall cancel the bail and the accused shall be arrested. Thereafter, the petitioner-accused shall have to approach this Court for grant of bail;
- (vi) The accused is directed not to contact the victim or any of her family members either by telephone or by any other means and if he violates any of the aforesaid conditions or tries to delay the trial then the prosecution shall be entitled to approach this Court for cancellation of the bail.

With these observations, the bail application is disposed of.

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.