

Party Name : MD. SUMAN MIAH @ GABBAR & ANR 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 P.S. Case No.29 of 2015 registered with P.S. West Agartala under Sections 120(B)/148/149/ 307/397 of IPC.

The allegation against the accused applicants is that one Subir Majumder alias Abu lodged a complaint with the Battala Out Post alleging that on 20th March, 2015 at about 4.15 p.m. he was proceeding towards his own shop situated at Gangail Road along with one Bishnu Paul on his scooter. When he reached near the forest office there the applicants and one Nurul Islam alias Nur Miah were waiting in an Aulto Car. There were some other persons in the car also. Nur Miah demanded Rs.10,000/- out of which Rs.4,000/- was due to Nur Miah by the complainant. According to the complainant, he stated that he would give the amount of Rs.4,000/- which he owed to Nur Miah by the end of the month. Thereafter, the applicant Suman Miah alias Gabbar and Nur Miah snatched the gold chain from his neck and Sankar Debbarma and another applicant Biswajit Choudhury alias Botol Bishu caught hold of him by his hands and he was beaten up by Suman Miah and given a blow with a sharp cutting weapon on his left eye. Thereafter the assailants fled away.

This FIR was lodged on 21st March, 2015. The applicants have been moving bail applications one after another and the police have not thought it fit to arrest the accused applicants till today. Even on 28th July, 2015 this Court had only issued 'Notice' and had not even granted interim bail but still the applicants were not arrested. The occurrence took place on 20th March, 2015. Now we are in the month of August, 2015. Almost 5 months have elapsed. It is apparent that the police is not interested in arresting the accused.

I also find that before the learned Sessions Judge the learned Addl.P.P had submitted that both parties i.e. the accused applicants and the complainant are two different groups of 'mafias' who are fighting with each others. If the complainant also belongs to a *mafia* group what reliance can be placed on his bald allegation?

Another shocking aspect of the matter is that the learned Additional Sessions