

Party Name : GOPAL NAMA SUDRA Vs THE STATE OF TRIPURA

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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This is an application for grant of anticipatory bail filed by the petitioner.

The case of the petitioner is that he is self-employed and earns his livelihood by driving a Maruti van bearing registration No.TR-04-0278.

The case of the petitioner is that his van was hired by the Bharatiya Janata Party (BJP) for purpose of by election of 46 Surma Assembly Constituency which was held on 27.06.2015. According to him, on 25.06.2015, when he was returning to his home after completion of driving duties, some persons including one Anil Das detained his car and assaulted the petitioner. The case of the petitioner is that these persons were angry with the petitioner for having hired out his car to the BJP. The petitioner raised an alarm and thereafter, according to him, he went to the police station. His allegation is that even in the police station he was beaten up by Anil Das and others and in the police station, the police registered two cases, one at the instance of Anil Das and one at the instance of the present petitioner. In the complaint against the petitioner it is alleged that some persons stole some election material of the CPI(M) but there is no clear cut allegation against the petitioner. The petitioner has not been arrested till date in the case though the occurrence took place on 25.06.2015.

This Court is not going into the merits of the case, but it is absolutely clear from the reading of the complaint of both sides that there are allegations and counter allegations against each other. At the stage of grant of bail, this Court is not to see which allegation is correct, but it is more than obvious that a trivial incident has been blown out of proportion. This is not a case where custodial investigation of the accused is required and therefore, it is ordered that in the event of his arrest, the petitioner shall be enlarged on bail on his furnishing a bail bond in the sum of Rs.10,000/- (rupees ten thousand) with one surety in the like amount to the satisfaction of the Arresting Officer subject to the following terms and conditions:-

- (i) That, the petitioner is directed not to tamper with or in any manner influence the prosecution witnesses;
- (ii) The petitioner is further directed not to in any manner try to influence any of the prosecution witnesses;
- (iii) The petitioner is further directed not to cause any hindrance in the investigation;
- (iv) The petitioner shall not leave Tripura without permission of the appropriate Court;
- (v) In case, the petitioner violates any of the conditions or tries to delay the trial the prosecution shall be at liberty to apply for cancellation of bail.

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.