

Party Name : ASHWANI DAS ON BEHALF OF ACCD. SANANDA DAS Vs THE STATE OF TRIPURA

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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This application for grant of bail has been filed by the petitioner Sri Ashwini Das on behalf of the accused Sri Sananda Das in respect of West Agartala P.S. Case No. 2015 WAG 057 registered against the accused under Sections 341/326/307 of the Indian Penal Code (IPC).

Though the incident took place on 14.5.2015, in the case diary which has been produced even the list of injuries suffered by the victim is not there. In the absence of any list of injuries, it cannot be said that any offence under Section 307 has been committed. The allegation is that three fingers of the victim were cut off. Even if that be true, that would mean causing of grievous injury by a sharp edged weapon and, therefore, Section 326 of IPC would be attracted.

The accused has been behind bars for 132 days and it is stated that the matter has been compromised by the parties outside the Court.

Without going into the question as to whether the matter can be compromised or not, I am clearly of the view that this is a fit case where since the investigation is virtually complete the accused should be granted bail.

Therefore, the accused Sananda Das is directed to be enlarged on bail on his furnishing bail bond in the sum of Rs.25,000/- (rupees twenty five thousand) with two sureties each 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 shall appear before the trial Court on each and every date of hearing. In case, he absents himself on any date, then the trial Court shall cancel the bail and the accused shall be arrested. Thereafter, the said person shall have to approach this Court for grant of bail;
- (vi) In case, the accused 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.