

Party Name : BABUL CHANDRA NATH Vs THE STATE OF TRIPURA

---

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

---

When the bail application was taken up, it was pointed out that though the bail petition and the power of attorney is signed by the petitioner Babul Ch. Nath, the affidavit has been sworn by one Kanu Nath who has only stated that he is the younger brother of the accused-petitioner and authorized to file the affidavit.

No power of attorney in favour of the brother has been attached.

The counsel for the petitioner was asked how the petition is maintainable.

Faced with this situation, Sri Saradindu Chakraborty, learned counsel for the petitioner, has sought leave to withdraw the petition with liberty to file a fresh petition on the same ground.

Liberty granted.

Accordingly, the bail application is disposed of as withdrawn with liberty reserved to the petitioner to file fresh petition.

Before parting with the petition, this Court has taken serious notice of the allegation made in para-3 of the bail application which reads as follows:-

*"3. That, it was alleged that the picketers were asking the officials of the Court not to join work and were making hot altercation with the officials of the Court.*

*It is pertinent to mention here that the office staffs of the Court referred here are being affiliated with the Tripura Judicial Employees Association (TJEA) which is known to be anti organizations of the CPI(M). As a result it is quite evident that the concerned employees in connivance with the presiding officer are purposefully fabricating this case with political motivation."*

Neither the Presiding Officer of the Courts nor any judicial employee is expected to have any political affiliation and such sort of allegations unless supported by documents cannot be entertained. Therefore, in case, in any fresh petition they repeat these allegations, they must be supported with proper documentary evidence.