

Party Name : MANIK GHOSH Vs THE STATE OF TRIPURA

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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Heard learned counsel for the parties.

These 4(four) applications for grant of anticipatory bail are being disposed of by a common order since they all arise out of Bodhjung Nagar Police Station Case No.38 of 2015 registered against the accused-applicants under Sections 447,325,354(B) and 379 read with Section 34 of IPC.

The allegations made in the FIR are that on 15.09.2015 at about 10.30 p.m. the accused persons came into the house of the complainant Ratan Ghosh and started using filthy language against him. When he objected them to using such a language they entered into the house and assaulted him and pushed him down. As a result, one dog bit the complainant Ratan Ghosh. His younger brother Swapan Ghosh and wife Soma Ghosh tried to save him but the accused, Sribash Ghosh assaulted his brother with a brick and he also torn the nighty of his wife. In this very complaint it is admitted that the wife of Sribash Ghosh i.e. the applicant Smt. Manju Rani Ghosh and wife of Sahadeb Ghosh i.e. applicant, Smt. Anjali Ghosh alias Silpi Ghosh also assaulted the wife of the complainant Ratan Ghosh. A woman assaulting another woman would not be an offence under Section 354(B) IPC.

The accused herein have filed counter-complaint on the basis of which FIR has been registered against the complainants herein and this is a case of allegations and counter-allegations. It appears that some altercation has taken place between the two sides. Who is the aggressor is difficult to decide at this stage and this can be decided at the time of trial.

Keeping in view the nature of dispute, the custodial investigation of the accused persons is not required since both sides have three to four persons and there is no question of influencing any witnesses and the evidence will remain the same.

Therefore, it is ordered that in the event of their arrest, the applicants (Sri Manik Ghosh, Smt. Manju Rani Ghosh, Smt. Anjali Ghosh @ Silpi Ghosh and Sri Subash Ghosh) shall be enlarged on bail on their furnishing bail bonds in the sum of Rs.10,000/- (Rupees ten thousand) each with two sureties in the like amount to the satisfaction of the Arresting Officer subject to the following terms and conditions:-

- (i) The applicants i.e. Sri Manik Ghosh and Sri Subash Ghosh shall appear before the Investigating Officer at 11.00 a.m. on Monday (05.10.2015). They shall also appear before the Investigating Officer on every subsequent date for which a written notice is served upon them;
- (ii) That, the applicants i.e. Smt. Manju Rani Ghosh and Smt. Anjali Ghosh @ Silpi Ghosh are directed to cooperate with the investigation. Since these applicants are lady, they shall, as far as possible, be questioned at their residence in presence of lady constable;
- (iii) The applicants are directed not to tamper with or in any manner influence the prosecution witnesses;
- (iv) The applicants are further directed not to in any manner try to influence any of the prosecution witnesses;
- (v) The applicants are further directed not to cause any hindrance in the investigation;
- (vi) The applicants shall not leave Tripura without permission of the appropriate Court;
- (vii) In case, the applicants violate any of the conditions or tries to delay the trial the prosecution shall be at liberty to approach this Court for cancellation of bail.

Applications are disposed of.

On the applicant(s) filing application for supply of the copy on payment of appropriate fees, the copy of the same shall be supplied to him/her by tomorrow.