

THE HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

Anticipatory Bail No.109 of 2015

Sri Babul Ch. Nath,
S/o Lt. Jatindra Kr. Nath
of Abhoynagar, Nolua,
P.O. Nolua, P.S. Belonia,
Dist : Tripura South
Pin : 799156.

..... *Applicant.*

- Vs -

The State of Tripura

..... *Respondent.*

_B_E_F_O_R_E_

THE HON'BLE CHIEF JUSTICE MR. DEEPAK GUPTA

For the applicant	:	Mr. S Chakraborty, Advocate, Mr. A Bhattacharjee, Advocate, Mr. R Sinha, Advocate.
For the respondent	:	Mr. A Ghosh, P.P
Date of hearing	:	30.9.2015.
Date of judgment	:	01.10.2015.

ORDER

This anticipatory bail application has been filed by the accused applicant in respect of Belonia Police Station Case No.113 of 2015 registered against the applicant and others under Sections 448, 353, 506 read with Section 34 I.P.C.

2. On 2.9.2015 a 'Bandh' was called by certain trade unions. The allegations made in the FIR are that at about 10.15 a.m. the District & Sessions Judge, Belonia heard loud voices from the

first floor of the building. The learned Sessions Judge went out and found few persons who were telling the Court staff to leave their office. These persons also argued with the District & Sessions Judge. Thereafter the Sub Divisional Police Officer(S.D.P.O), Belonia came to the spot and the alleged picketers went away.

3. In the bail application it is admitted that a request was made to all the staff and officers of the Court not to work on the date of the 'Bandh'. However, according to the applicant, the request was peaceful and nobody entered the Court premises and the request was made outside the gate.

4. The statement of the District & Sessions Judge, Belonia recorded by the police reads as follows :

"On being asked I am stating my name, address as well as my designation. The day of incident i.e. 2.9.2015 A.D. was 24 hours 'Bandh' called earlier by the Left Front Party. Like other days in the morning before 10.00 O'clock I had entered into the Court with my P.G. Constable named Mrinal Dey as well as Orderly named Ashish Dasgupta. After entering into the Court premises I found my two staff namely Jhuman Das and Rabi Ranjan Bhowmik were sitting beneath the banyan tree. Then I told them to come on the upper floor in order to start the Court works. Then they came with me to my court on the upper floor. Thereafter on entering into the Chamber I had been talking with my P.G. and Orderly thereon. After a short while i.e. at around 10.15 O'clock another staff of us named Shri Nipu Datta had entered into my Chamber by way of running and told that 'Sir, a few outsiders coming they have been threatening our staff and telling to go out.' Hearing this then and there I came out of my Chamber and found that around 7/8 persons had been threatening to my staff namely Jhuman Das and Rabi Ranjan Bhowmik and had been warning to go outside the court. Then I had asked them what happened at that time these persons had proceeded towards me aggressively and they had ill behaved with me. Out of them one person having black complexion coming before me had rebuked loudly me showing red eyes stating that I am a Chamcha(Stooge) of Deepak Gupta. He

further stated that are you a Judge? What kind of Judge you are? Today is the day of Bandh and you have come in the court for showing your judgeship? Try me, if you have power. Having heard such type of insulting words I tried to make him understand by way of controlling myself stating that, 'We have got an order from the Hon'ble High Court to continue the court because of which we have come to court.' Hearing this word he got more agitated and attempted to assault me. In the meantime my P.G. constable named Mrinal Dey intervened and saved me. At that time one peon Rabi Ranjan Bhowmik who was alongside stated to these persons that 'why you are behaving in such manner with a Judge?' Then another person having fair complexion and red hair threatened Rabi and pushed him on his chest and stated that 'we know that he is a Judge, no need for your introduction.' Thereafter another person who came with them had been threatening Jhuman and Rabi by way of pushing them threatening them to leave the court. By this time S.D.P.O of Belonia came thereon and had driven away them from there. Thereafter being scared I had entered into my Chamber and intimated the fact of the incident to the S.P. over phone. During the long period of my service life I never experienced such type of incident. It is beyond my thought – imagination how I have been insulted by the hands of these persons. 3(three) persons out of total 7/8 persons have behaved with rowdiness before me. Remaining others did not do anything. On the following day of the incident that is by today after coming in the court I have learnt from my staff namely Jhuman Das, Rabi Ranjan Bhowmik as well as Ashish Das Gupta that the name of that person having black complexion who had rebuked me stating me as a 'Chamcha'(stooge) of Deepak Gupta and proceeded to assault me is Tapas Datta. The name of another person having fair complexion with red hair who had threatened Rabi is Trilokesh Sinha. And the name of that person who had ousted my staff by way of pushing is Babul Debnath and he resides in a Judicial Quarter situated at Belonia Ramthakur Para and his wife is a service holder in the S.D.M Office. And I have not got the identification of remaining others. I did not perform my assigned Govt. duties in my court owing to obstacles raised by these three persons namely Tapas Datta, Babul Debnath and Trilokesh Sinha. Because they had ousted my staff in front of me and they had obstructed the other stuff from entering into the court. I have performed some work in my court with a lot of problem taking my one staff named Bijan Paul and my P.G. Constable Mrinal Dey.

Recorded by me

Sd/- Illegible

S.I. Sankjar Saha,

Belonia P.S., South Tripura

Camp at – Quarter complex of D & S Judge

Date – 03.9.2015."

5. The act of the applicant and others in entering the Court premises, threatening the District & Sessions Judge and the Court staff and preventing them from doing their work is a very serious offence.

6. It would be pertinent to mention that though the FIR was registered on 2.9.2015 for reasons best known to the police the applicant and other accused have not been arrested till date and it is more than obvious that they are being protected by somebody.

7. Though the FIR may have been lodged by the SDPO he has not given a complete report of the incident which is apparent from the statement of the District & Sessions Judge. There is no reason to disbelieve the version of the District & Sessions Judge.

8. Keeping in view the aforesaid circumstances, especially the statement of the District & Sessions Judge, I am clearly of the view that in this case custodial investigation of the accused is required. Therefore, the application for grant of anticipatory bail is rejected.

CHIEF JUSTICE