

Party Name : ANAL ROY CHOUDHURY 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 in respect of FIR No.138 dated 24.09.2015 registered with West Agartala Police Station under sections 120B, 387, 500 and 506 of the Indian Penal Code (IPC).

Both the complainant and the accused are media persons. The allegation of the complainant who runs an internet media outfit under the heading of 'Tripurainfo.com' is that the petitioner had made some derogatory statements against him in the newspaper 'Pratibadi Kalam' of which the petitioner-accused is the owner, publisher and editor.

As far as those allegations are concerned, this Court is not going to the merits of those allegations because that is something which the trial Court shall decide whether the allegations are defamatory or not. The only allegation for which bail has been rejected is that in the complaint it is stated that when the complainant refused to succumb to the illegal demands of the complainant and refused to pay any amount as was being demanded by the accused Anal Roy Choudhury the accused told the complainant-informant that he would be murdered since 'Mafia' is in his control and thereafter the informant disconnected the phone.

This threat is stated to have been given over phone. First of all it will have to be proved whether such threat was actually given. It shall also have to be proved that this threat was given by Sri Anal Roy Choudhury and not somebody else because even according to the complainant, it is not his case that Sri Anal Roy Choudhury rang him up or that he rang up Sri Anal Roy Choudhury. His case is that one Sitangshu Ranjan Dey connected his phone to the phone of Sri Anal Roy Choudhury and on this phone this threat was given. Even though Section 387 IPC is a non-bailable offence, I am clearly of the view that in this case it cannot be said with certainty that the accused is bound to be convicted for commission of such offence. The maximum punishment for the offence under Section 387 IPC is 7 years. The petitioner runs a newspaper in the State of Tripura. There is no likelihood of his absconding. The respondent is also media person and therefore, there is no question of the petitioner influencing the respondent who himself is a main witness.

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.25,000/- (rupees Twenty five thousand) with two sureties in the like amount to the satisfaction of the Arresting Officer subject to the following terms and conditions:-

(i) That, the petitioner shall appear before the Investigating Officer at 10.00 a.m. on Monday (12.10.2015). He shall also appear before the Investigating Officer on every subsequent date for which a written notice is served upon him;

(ii) The petitioner is further directed not to tamper with or in any manner influence the prosecution witnesses;

(iii) The petitioner is further directed not to in any manner try to influence any of the prosecution witnesses;

(iv) The petitioner is further directed not to cause any hindrance in the investigation;

(v) The petitioner shall not leave Tripura without permission of the appropriate Court;

(vi) 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.