

Party Name : MOBARAK MIAH & ORS Vs THE STATE OF TRIPURA

---

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

---

This application for grant of Anticipatory bail has been filed by seven accused persons in connection with West Agartala Police Station Case No.154 of 2015 registered under Sections 447/325/379/506/302/34 of I.P.C. Out of them one Shri Mubarak Miah has already been arrested by the Police and, therefore, this application for grant of anticipatory bail survives only on behalf of the remaining six persons namely, Hanif Miah, Mamtaj Begam, Sahera Begam, Bakul Bibi, Aanar Miah, and Masum Miah.

A complaint was lodged by the informant Mina Begam to the Officer-in-Charge, West Agartala Police Station that on 22.10.2015 while she and her husband namely Md. Abdul Mannan were constructing boundary fence on their land. At that time the accused persons had an altercation with her and her husband and a quarrel ensued. She also alleged that they used indecent language against the complainant and her husband. In the said written complainant it was stated that Mubarak Miah, Aanar Miah, and Masum Miah jointly hit the head of her husband Md. Abdul Mannan by a wooden file. The injured Md. Abdul Mannan was taken to a hospital in a state of coma where he unfortunately died and, therefore, the case was converted under Section 302 of I.P.C. During course of investigation the police has tried to make out a case that all the accused persons used wooden files and bricks to hit the deceased.

I am gone through the postmortem report and I find that there are only four injuries on the person of the deceased. There are two lacerated injuries one on the right frontal region of the scalp and one on the right parietal region of the scalp. The third injuries are contusion on the mid part of the upper lip and there is one abrasion back of the left forearm which could have been caused even when he fell down. Therefore, there are only three injuries at the most which could have been caused by a file or a brick bat. A file would normally lead to lacerated wood and a brick bat to a contusion. There is one contusion and two lacerated injuries and, therefore, It appears to me that the first version given in the FIR may be more probable.

Therefore, without going into the merits of the case the application for grant of anticipatory bail on behalf of Aanar Miah and Masum Miah is rejected. All the other accused i.e. Hanif Miah, Mamtaj Begam, Sahera Begam and Bakul Bibi in the event of their arrest, be enlarged on bail on their furnishing bail bond in the sum of Rs.10,000/- (Rupees ten thousand) with one surety each in the like amount to the satisfaction of the Arresting Officer subject to the following terms and conditions:-

- (i) As far as Hanif Miah is concerned, he shall appear before the Investigating Officer on Friday (04.12.2015) at 10 am. As far as the ladies are concerned, they shall be interrogated in the presence of women police officials at their residence and shall not be taken to the police station for the purpose of interrogation.
- (ii) The applicants are directed not to tamper with or in any manner influence the prosecution witnesses;
- (iii) The applicants are further directed not to in any manner try to influence any of the prosecution witnesses;
- (iv) The applicants are further directed not to cause any hindrance in the investigation;
- (v) The applicants shall not leave Tripura without permission of the appropriate Court;
- (vi) 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.

Application is disposed of.