

Party Name : AGORE DEBBARMA & ANR Vs THE STATE OF TRIPURA

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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Perused the case diary and the relevant record.

The petitioner No.1 is a retired Government servant and his wife petitioner No.2 is still working as a teacher in a Government school.

The allegation against the petitioners is that they abetted their son in committing the rape of the prosecutrix.

At this stage, without going into the merits of the case, it would be sufficient to say that the allegation against the petitioners is only of abetment which will require to be proved during the hearing of the case.

Whether a case punishable under Section 376 IPC is made out against them or not is a matter for the Trial Court to decide at a later stage on the basis of the evidence produced before it.

However, at this stage, it cannot be said with certainty that the accused are guilty of the offence of rape or abetment of such heinous offence.

Normally in case of such a nature bail is not granted, but here the petitioners are not the principal accused, but the parents of the person who is alleged to have committed the rape. The allegation is that the alleged occurrence took place in April, 2014 and the FIR was lodged in November, 2014.

Keeping all these factors into consideration and also keeping in view the fact that the petitioners are retired/serving Government servants and there is no chance of their absconding since they have permanent residence in the State of Tripura, the order dated 18.12.2014 granting anticipatory bail is confirmed subject to the following conditions:-

- i) That petitioner No. 1 shall appear before the Investigating Officer at 11.00 a.m. on Friday (09.01.2015). He shall also appear before the Investigating Officer on every date for which a written notice is served upon him;
- ii) As far as petitioner No.2 is concerned, she being a lady shall either be questioned at home or shall be summoned only to a Women Police Station and not to any other police station;
- iii) The petitioners are further directed not to tamper with or in any manner influence the prosecution witnesses;
- iv) The petitioners are further directed not to in any manner try to influence any of the prosecution witnesses;
- v) The petitioners are further directed not to cause any hindrance in the investigation;
- vi) The petitioners shall not leave Tripura without permission of the appropriate Court;
- vii) In case, the petitioners violate any of the conditions or try to delay the trial the prosecution shall be at liberty to apply for cancellation of bail.

The privilege of the anticipatory bail shall be available to the petitioners till charge sheet is filed where after they shall have to apply for regular bail before the appropriate Court.

On the petitioners filing application for supply of the copy on payment of appropriate fees, the copy of the same shall be supplied to the petitioner during the course of the day today.