

Party Name : ABHIJIT SAHA Vs THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This is an application filed for grant of anticipatory bail in respect of Bishalgarh P.S. case No.168 of 2014 registered against the petitioner under section 498A of the Indian Penal Code (IPC).

Sri P. Sahu, learned counsel for the petitioner, submits that in view of the judgment of the Apex Court in ***Arnesh Kumar v. State of Bihar, [AIR 2014 SC 2756]*** in cases under section 498A of IPC normally the accused should not be arrested and the Apex Court has laid down certain guidelines in para-14 of the judgment which clearly show that in cases under section 498A the accused should not be arrested as a matter of course and before arrest, they must satisfy themselves about the necessity for arrest under the parameters laid down under section 41 of Cr.P.C.

Therefore, this anticipatory bail application is disposed of with the following directions:-

(i) That, the petitioner shall not be arrested unless and until the police officers satisfy the Magistrate in terms of the judgment of the Apex Court in ***Arnesh Kumar v. State of Bihar, [AIR 2014 SC 2756]*** which has been circulated to all the Courts in the State that the arrest of the accused is necessary for the purpose of investigation of the case.