HIGH COURT OF TRIPURA
AGARTALA

BA 15/2020

Namita Gope on behalf of accd. Badal Choudhury

----Petitioner(s)

Versus

The State of Tripura

----Respondent(s)

For Petitioner(s)	:	Mr. P. Roy Barman, Advocate Mr. TD Majumder, Advocate Mr. A. Bhattacharjee, Advocate Mr. S. Sarkar, Advocate. Mr. S. Bhattacharjee, Advocate Mr. K. Nath, Advocate.
For Respondent(s)	:	Mr. Ratan Datta, PP Mr. S. Debnath, Addl. PP

HON'BLE MR. JUSTICE ARINDAM LODH

Order

01/02/2020

Heard Mr. P. Roy Barman, learned counsel along with Mr. T. D. Majumder, Mr. Abhijit Bhattacharjee, Mr. S. Sarkar, Mr. S. Bhattacharjee and Mr. K. Nath, learned counsels appearing for the petitioner as well as Mr. Ratan Datta, learned PP along with Mr. S. Debnath, learned Addl. P.P. appearing for the State-respondent.

At the threshold, Mr. Roy Barman, learned counsel appearing for the petitioner has submitted that the accused-person has been arrested on 21.10.2019 in connection with West Agartala PS case no. 251 of 2019 under Sections 409/201/120(B) of the IPC and under Section 13 of the Prevention of Corruption Act, 1988. The statutory period for releasing the accused on bail is 90 days and today is the 87th

day of his detention in custody. Mr. Roy Barman has further submitted that for the last one month, the accused-person has not been interrogated by the police, reasonable presumption of which is that his further detention is also not necessary.

Mr. Datta, learned Public Prosecutor has submitted that investigation has substantially been progressed. However, the learned PP has opposed the prayer for granting bail to the accused at this stage.

I have perused the case diary as produced by learned Public Prosecutor and after perusal I am of the opinion that investigation has been substantially progressed but, the charge-sheet has not been filed as yet. So, it can reasonably be presumed that within the remaining 3 days it would not be possible for the State to file the charge-sheet. The learned PP could not satisfy the court that the Investigating Officer is going to file charge-sheet within the remaining 3 days. There is nothing on record that the State has prayed for custodial trial of the accused-person

I have been informed at the Bar that one of the accused-persons relating to this case, namely, Sunil Bhowmik has already been enlarged on bail by this court vide order dated 07.01.2020 on the same 87th day of his detention. Another aspect has come to light that another accused relating to the said case, namely, Sri Y.P. Singh, has not been arrested as

yet and the State is trying its level best to cause arrest of the accused, Sri Y.P. Singh.

I have considered all the aspects of the case and keeping in mind the statutory period of granting bail to the accused-person, I am inclined to release the accused person on bail.

Accordingly, the accused-person, namely, ***Sri Badal Choudhury*** be released on bail, on executing a bond of Rs. 1,00,000/- with one surety of the like amount, to the satisfaction of the learned Special Judge, West Tripura, Agartala. However, the accused person shall co-operate the investigating agency in all respects and shall assist the investigating officer in the progress of investigation. Needless to say, that the accused-person shall not influence any of the witnesses or shall not try to temper the evidence in any manner whatsoever.

With the aforesaid observation and directions, the instant application is allowed and stands disposed of.

Return back the case diary.

Copy of this order be supplied to the learned counsel appearing for the parties in course of the day.

JUDGE

Saikat