HIGH COURT OF TRIPURA
AGARTALA

A.B. No.132/2020

B E F O R E

HON'BLE MR. JUSTICE S.G CHATTOPADHYAY

Smt. Kashmira Bhowmik .....Applicant(s)

Versus

The State of Tripura .....Respondent(s)

For the Applicant(s) : Mr. T.D.Majumder, Adv.

For the Respondent(s) : Mr. Ratan Datta, PP.

O R D E R

18.12.2020

[**1**] This is an application under Section 438 of the Code of Criminal Procedure (Cr.P.C in short) for grant of pre-arrest bail to the petitioner namely Smt. Kashmira Bhowmik in East Agartala P.S. case No.160 of 2020 under Sections 323,384,354 and 506 read with Section 34 of IPC.

[**2**] Heard Mr. T.D.Majumder, learned counsel appearing for the petitioner.

Heard Mr. Ratan Datta, leaned Public Prosecutor appearing for the State Respondent.

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[**3**] Facts of the case are as under:

First informant Smt. Mithu Bhowmik who is the mother of the petitioner lodged a written FIR with the Officer-in-charge, East Agartala police station alleging, inter alia, that after the death of her husband, she along with her daughter Kashmira entered into an agreement with a promoter namely Ranjit Debnath for construction of residential flats in her house. After the construction work was taken up by said Sri Ranjit Debnath, accused Pran Gopal Debnath started creating troubles and Kashmira, accused daughter of the informant joined said Pran Gopal Debnath and conspired against the promoter for extortion of money from him. Subsequently, accused Pran Gopal assaulted said Shri Ranjit Debnath and accused daughter of the informant shared some objectionable photographs of her mother with accused Pran Gopal Debnath which made the informant mentally upset. Then she reported the matter to police by lodging the said FIR against her daughter Kashmira who is the petitioner and accused Pran Gopal.

[**4**] Based on her FIR East Agartala P.S. case No.160 of 2020 under Sections 323,384,354 and 506 IPC was

registered and the case was taken up for investigation. In apprehension of her arrest in this case, petitioner Smt. Kashmira Debnath has approached this court seeking pre-arrest bail.

[**5**] Mr. T.D.Majumder, learned advocate appearing for the petitioner submits that no offence has been made out against the petitioner. The dispute between the informant mother and her petitioner daughter arose out of their differences in domestic relationship for which a criminal case does not lie against the petitioner. It is submitted by Mr. Majumder that there is no question of the petitioner conspiring with Pran Gopal Debnath against her mother because she and her mother voluntarily executed an agreement with said Pran Gopal Debnath for construction of residential flats in their house after the death of the father of the petitioner. In support of his contention learned counsel has produced photocopy of the agreement dated 11.07.2019. Further submission of Mr. Datta Majumder learned counsel is that a case has been instituted against the petitioner by her mother at the instigation of others only

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with a view to harass the petitioner. Learned counsel therefore, urges for releasing the petitioner on bail.

[**6**] Learned Public Prosecutor has been fair to submit that in view of the materials available on record, bail may be granted to the petitioner subject to stringent conditions. It is submitted by Mr. Datta, learned PP that the petitioner may be directed to appear before the investigating officer as and when called for during the investigation of the case.

[**7**] Perused the case diary and all other materials available on record. Apparently the case has been lodged by the mother of the petitioner against her daughter owing to their property dispute. The materials available on record do not justify her arrest and detention during investigation of the case. Moreover, there is no chance of her fleeing away from the jurisdiction of the trial court during the investigation of the case.

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[**8**] In view of what is discussed above, it is directed that in the event of her arrest the petitioner shall be released on bail on her furnishing bail bond of Rs.20,000/- with one surety of like amount to the satisfaction of the investigating officer on condition that she will not interfere

with the investigation of the case in any manner, what so ever, and she will not try to influence the witnesses of the case and she will face interrogation as and when called for by the investigating officer of the case.

The bail petition is thus disposed of.

Return the CD.

JUDGE

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Saikat Sarma