

Party Name : CHAMU MIAH @ CHEM MIAH ON HEHALF OF ABUDUL RASHIK MIAH Vs
THE STATE OF TRIPURA

HON"BLE MR JUSTICE S.C.DAS

This is a petition under Section 439 of Cr.P.C. praying for bail of accused, Abdul Rashid Miah alias Abdul Rashid in connection with Kakraban P.S. Case No. 66 of 2013 registered under Section 379, 411 read with Section 34 of IPC and the accused is in custody from 02.05.2013. Heard learned counsel, Ms. R. Purkayastha for the petitioner and learned Additional P.P., Mr. R.C. Debnath for the State-respondent. Learned counsel, Ms. Purkayastha submits that the accused is innocent and he was the night guard of the BHEL where the theft was committed. He has been falsely implicated in this case and detained in custody. Learned Additional P.P., Mr. Debnath submits that there is evidence on record collected by the I.O. which shows that the accused is involved in the commission of the crime and he cannot be simply treated as innocent. On perusal of the case diary, I find that I.O. has recorded that statement of material witnesses which shows that the accused might be a privy to the commission of alleged offence. Under such circumstances, it is too early to allow bail application of the accused since the investigation is going on. Hence, bail application stands rejected.