

Party Name : ASHOK DEB & ANR Vs STATE OF TRIPURA

---

HON"BLE MR JUSTICE S.C.DAS

---

This is a petition under Section 438 of Cr.P.C. praying for bail of accused-petitioners, Sri Ashok Deb and Sri Rajib Das in the event of their arrest, in connection with Jirania P.S. Case No. 58 of 2013 registered under Sections 353, 506 and 34 of I.P.C. Heard learned counsel, Mr. A. Paul for the petitioners and learned Additional P.P., Mr. R.C. Debnath for the State-respondent. Case diary is produced by learned Additional P.P. Perused the case diary. It is alleged in the F.I.R lodged by one Dr. Basanti Reang, Medical Officer of Jirania PHC that the accused-petitioners along with another Shantu Das with an injured person attended the hospital on 14.06.2013. Thereafter, they abused the informant Dr. Basanti Reang with filthy words and they prevented her and others in the discharge of their duty. Some other women also gathered there and they ransacked the hospital premises. Learned counsel, Mr. Paul submitted that Dr. Basanti Reang is not the in-charge of the hospital. She was simply the medical officer. Had there was any such incident occurred, the F.I.R would have been lodged by the in-charge of the hospital. He has also submitted that the allegation does not disclose an offence punishable under Section 353 of IPC. It is also contended by learned counsel, Mr. Paul that seven medical officers of the hospital also submitted a representation to the Director of Health Services alleging misbehaviour of Dr. Basanti Reang while discharging duty in the hospital. On perusal of the case diary and after hearing learned counsel of both sides, I find that except the statement of Dr. Basanti Reang, other witnesses did not support the contention of Basanti Reang to that extent, as alleged in the F.I.R. The prayer for pre-arrest bail is allowed. Accordingly, it is hereby ordered that the accused-petitioners namely, Sri Ashok Deb and Sri Rajib Das be released on bail, in the event of their arrest, in connection with Jirania P.S. Case No. 58 of 2013, registered under Sections 353, 506 and 34 of IPC, on their execution of a bail bond of Rs. 5,000/- (Rupees Five thousand) with one surety of the like amount to the satisfaction of the arresting officer or the O.C. of the P.S. as the case may be on condition that they should not leave the jurisdiction of Chief Judicial Magistrate, West Tripura, Agartala without his previous permission and that they should keep themselves available before the I.O., as and when required and that they should not interfere with the investigation of the case and influence the witnesses. The bail application accordingly, stands disposed of. A copy of this order be sent to the O.C., Jirania P.S. and a copy be sent to the Chief Judicial Magistrate, West Tripura, Agartala. Case diary is returned to learned Additional P.P.