

Party Name : Smt. Sadhana Debnath & 2 Ors Vs The State Of Tripura

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THE HONBLE MR. JUSTICE S.TALAPATRA THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. S. Deb, learned senior counsel alongwith Mr. S.B. Debnath, learned counsel appearing for the petitioners as well as Mr. A. Ghosh, learned Public Prosecutor appearing for the state. Mr. Ghosh, learned Public Prosecutor has produced the Case Diary. This is a petition under Section 438 of the Cr.P.C. for grant of pre-arrest bail in favour of the petitioners, namely (1)Smt. Sadana Debnath, (2) Sri Pankaj Debnath and (3) Sri Ratan Debnath, in connection with Teliamura P.S. Case No.05/2014, registered under Sections 325/307/120-B of the IPC. The allegations against the petitioners herein is that, they after detaining one Dilip Debnath had physically assaulted him with lathi, rod etc. and he was recovered from that place half-dead. Mr. Deb, learned senior counsel appearing for the petitioners has submitted that the petitioner No.1 had also lodged one information to the police station to the effect that the injured alongwith others had assaulted her sons, namely Pankaj Debnath and Ratan Debnath on 09.01.2014, immediate preceding day of the alleged occurrence, but the police did not register the said FIR. Being aggrieved, she wrote a complaint to the Superintendent of Police, Khowai Tripura. In support of this, some medical records at Annexure-B collectively have also been furnished alongwith this petition. Mr. Deb, learned senior counsel further submits that the allegations are superficial in nature and the injured person had already been released from the hospital. As such, there is no grievous injury within the definition of Section 320 of the IPC. Mr. Ghosh, learned Public Prosecutor appearing for the state has submitted, referring to the materials as collected by the Investigating Officer as of now that there is independent witness who has rescued the injured person from the place of occurrence. As such, the contention of Mr. Deb, learned senior counsel cannot be given any credibility at this stage. After scrutinizing the Case Diary as produced by Mr. Ghosh, learned Public Prosecutor as well as on appreciating the submission made by the counsel for the parties, it has appeared that the materials so far collected by the Investigating Officer stands in contrast to the description of the injury and the mode of transaction of the offence. Apart that, if the petitioners are granted the benefit of pre-arrest bail with certain conditions this will not affect the investigation in any manner. Thus, in the event of arrest of the petitioners, namely (1)Smt. Sadana Debnath, (2) Sri Pankaj Debnath and (3) Sri Ratan Debnath, in connection with Teliamura P.S. Case No.05/2014, under Sections 325/307/120-B of the IPC, they shall be released on bail on furnishing the bail bond of `20,000 (rupees twenty thousand) each supported by one surety of the like amount to the satisfaction of the arresting authority, subject to the condition that the petitioners shall report to the Investigating Officer on 03.02.2014 without fail and they shall continue to report to the Investigating Officer twice in a week for the next 2(two) months. It is further directed that the petitioners shall not leave their ordinary place of residence without leaving prior intimation to the Investigating Officer and they shall not make any attempt to meddle with the investigation in any manner. With this observation and direction, this petition stands allowed and disposed of. The Case Diary so produced by Mr. A. Ghosh, learned Public Prosecutor is returned. A copy of this order be furnished to Mr. A. Ghosh, learned Public Prosecutor appearing for the state.