

Party Name : PRAN KRISHNA SUTRADHAR Vs THE STATE OF TRIPURA

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THE HONBLE MR. JUSTICE S.C.DAS

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Heard learned Sr. counsel Mr. A. K. Bhowmik for the accused-petitioner and learned P.P. for the State-respondent.

Learned counsel Mr. Samarjit Bhattacharji representing the defacto complainant is also heard as permitted by learned P.P.

Case diary is produced. Perused the case diary.

This is a petition under Section 438 of Cr.P.C., praying for bail of the accused-petitioner Pran Krishna Sutradhar, in the event of his arrest, in connection with Bishalgarh P.S. Case No.166 of 2014, registered under Sections 148/149/447/325/384/427/436 and 354 of IPC.

A similar bail application of this accused-petitioner along with some other petitioners was earlier rejected by this Court by order dated 05.12.2014, passed in connection with AB No.183 of 2014. Today learned Sr. counsel Mr. Bhowmik has submitted that an affidavit is sworn by one Gopal Debnath which shows that the house gutted was an abandoned house. He has also submitted that the accused had no overt act even if it is accepted that he was a member of unlawful assembly.

On earlier occasion, after going through the case diary this Court observed that the accused was a member of unlawful assembly which assembly ransacked the house of the informant and gutted the hut.

Learned Sr. counsel also referred the case of **Musakhan & Ors. V. State of Maharashtra**, reported in **AIR 1976 SC 2566**. But I find nothing to apply the ratio of that decision in the facts and circumstances of this case. Since there is allegation against the accused that he was not only a sight seer but he has actively participated in ransacking the house, so, under such circumstances, bail prayer of the accused-petitioner stands rejected.

Bail application accordingly stands disposed of.

Case diary is returned to learned P.P.