

Party Name : CHITRALI NATH (DATTA) FOR AND ON BEHALF OF ACCUSED TAPASH DUTTA Vs THE STATE OF TRIPURA

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THE HONBLE MR. JUSTICE S.TALAPATRA

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These bail applications being Bail Appl. No.131 of 2015, Bail Appl. No.132 of 2015 and Bail Appl. No.133 of 2015 are taken up together for the simple reason that all the accused persons seeking bail under Section 439 of the Cr.P.C. are implicated in the Belonia P.S. case No.2015/BLN/113 under Sections 448/353/506/34 of the I.P.C.

Heard Mr. S. Chakraborty, learned counsel appearing for the accused persons as well as Mr. A. Ghosh, learned P.P. appearing for the State.

In terms of the order dated 16.10.2015, Mr. Ghosh, learned P.P. has produced the case diary and submitted that the investigation is almost completed.

Mr. Chakraborty, learned counsel appearing for the accused persons has submitted that the allegations as made against the accused persons are 'unfortunate'. He has further submitted that on 02.09.2015 an all India strike was called by different trade unions and in support of that strike, there was agitation and campaign everywhere around the place of occurrence. The allegations as levelled are that at about 10.15 am the accused persons stormed inside the Belonia court premises and tried to flush out the employees who attended the duties braving the picketers and there was a huge hue and cry. The District & Sessions Judge, South Tripura, Belonia came out of his chamber when the accused persons confronted him and attempted to humiliate him with abusive language. Even one of them had shown such volta face that there was possibility of physical violence.

However, no such physical violence ultimately broke out. The Sub-Divisional Police Officer, Belonia immediately after the occurrence filed an ejahar to the Officer-in-Charge, Belonia Police Station without identifying the accused persons and based on which, the said case was registered.

Mr. Chakraborty, learned counsel has further submitted that the accused persons are the reputed citizens and they would not abscond. They would face the trial if the chargesheet is filed to prove their innocence.

Mr. Ghosh, learned P.P. appearing for the State has submitted that in the interest of investigation, further detention of the accused persons is not required.

While appreciating the submission of the learned counsel appearing for the parties, this Court has also scrutinized the case diary and it is found that the investigation is on the verge of completion. That apart, save and except the offence punishable under Section 353 of the I.P.C. the other offences which are alleged to have been committed by the accused persons are bailable. The offence punishable under Section 353 of the I.P.C. is for assault or applying criminal force to deter public servants from discharging their official duties and the punishment prescribed for such offence is imprisonment for 2(two) years.

Having regard to the principles laid down in Section 437 of the Cr.P.C. and also looking at the stage of investigation, this Court is of the considered view that the accused persons may be enlarged on bail subject to certain conditions. Accordingly, it is ordered that the accused persons, namely *Sri Tapash Dutta*, *Sri Babul Chandra Nath* and *Sri Trilokesh Sinha* shall be released on bail on furnishing a bail bond of Rs.10,000/- (Rupees Ten thousand) each supported by 1(one) surety each of the like amount to the satisfaction of the Chief Judicial Magistrate, South Tripura, Belonia subject to the condition that the accused persons shall not act to influence the investigation in any manner or induce any witnesses in order to dissuade him to reveal the truth and they shall not pose any threat to the witnesses in any manner. Apart that, they shall attend the court if any notice is issued for their appearance after the final police report is filed.

With this observation and directions, this bail application stands allowed and disposed of. The case diary so produced be returned forthwith.