

Party Name : LITAN CH. DAS FOR AND ON BEHALF OF ACCUSED PERSON GOUTAM DAS@ RAHUL & ANR. Vs THE STATE OF TRIPURA

THE HONBLE MR. JUSTICE S.TALAPATRA

Heard Mr. D. Debnath, learned counsel appearing for the accused petitioners as well as Mr. A. Ghosh, learned P.P. appearing for the State.

This is an application under Section 439 of the Cr.P.C. for granting bail to the accused petitioners in connection with Bishramganj P.S. case No.BRG 28/2016 under Sections 417/376D/506 of the I.P.C.

Both the accused petitioners for whom this bail application has been made were arrested on 14.08.2016 and since then they are in the jail custody.

Mr. Ghosh, learned P.P has submitted a copy of the charge-sheet to contend that the investigation is complete and the form of charge-sheet has been filed in the court of the Judicial Magistrate, First Class, Bishalgarh, West Tripura for necessary steps to be taken towards trial.

Mr. Debnath, learned counsel appearing for the accused petitioners has primarily raised 4(four) grounds viz.

- (i) that since the investigation is complete, there would be no room for the accused petitioners to interfere with the investigation;
- (ii) that if the accused petitioners are enlarged on bail, they will not jump the conditions of bail;
- (iii) that the accused petitioners are not in such a social status even to influence the witnesses and
- (iv) that no purpose would be served by keeping the accused petitioners behind the bars.

Mr. Debnath, learned counsel has also referred a well known decision of the apex court in **State of Rajasthan, Jaipur vs. Balchand**, reported in **AIR 1977 SC 2447**, where it was emphasised that the bail not the jail is the rule. Mr. Debnath, learned counsel has referred the paragraphs-2 & 3 of **Balchand** (*supra*) to contend that this is a just case where the court may grant the accused petitioners liberty to remain on bail.

Mr. Ghosh, learned P.P. appearing for the State has seriously opposed the prayer for bail on 2(two) grounds that the materials so collected during the investigation are so overwhelming that enlargement of the accused petitioners on bail may affect the trial as the victim, the most important witness, from the outside of State being an ordinary resident of State of Meghalaya and now she has been lodged in a home run by the State for her safety and security. If the accused petitioners are enlarged on bail, their attendance in the trial would be uncertain at the cost of the victim's interest.

This Court has gone through the copy of the charge-sheet as filed by Mr. Ghosh, learned P.P. The evidence so far collected by the scientific test in particular and also the nature of the crime and its execution do not behove the confidence of this Court to enlarge the bail to the accused petitioners and accordingly, this application for bail stands rejected.

However, the accused petitioners will be at liberty to approach the trial Court in appropriate time for seeking bail.