

**HIGH COURT OF TRIPURA
AGARTALA**

A.B. 17 of 2018

Anil Das and Others

-----Petitioner(s)

Versus

State of Tripura

-----Respondent(s)

For Petitioner(s) : Mr. A. Bhowmik, Advocate

For Respondent(s) : Mr. R.C. Debnath, Addl. PP

HON'BLE MR. JUSTICE S. TALAPATRA

Order

28/03/2018

Heard Mr. A. Bhowmik, learned counsel appearing for the petitioners as well as Mr. R.C. Debnath, learned Addl. PP appearing for the state.

In terms of the order dated 21.03.2018 Mr. R.C. Debnath, learned Addl. PP has produced the Case Diary along with the injury report issued by the Emergency Medical Officer, District Hospital Kulai, Dhalai Tripura. On the basis of a complaint filed by one Lipan Das to the Officer in-Charge, Kamalpur P.S. revealing that the petitioners had attacked his brother namely Utpal Das and two friends namely Sarup Debnath and Nanigopal Das by sharp-cutting weapons with intention to kill them. The petitioners assaulted the complainant's brother and his friends with rod, stick etc. In a serious condition, the Fire Service Personnel came and took them to Bimal Singha Memorial Hospital for medical treatment

and when the injuries were found to be serious in nature, they were shifted to District Hospital Kulai, Abmassa.

Based on that complaint, Kamalpur P/S Case No.2018 KMP 026 under Sections 341/326/325/307/34 of the IPC was registered and taken up for investigation. The police has been searching the accused persons as their name is reflected in the FIR. Out of apprehension, they have approached this court under Section 438 of the Cr.PC for granting pre-arrest bail.

Mr. A. Bhowmik, learned counsel appearing for the petitioners has submitted that this occurrence was fall-out of tension created by the election and there was no intention to kill the injured. Even, it would be apparent that there was no grievous injury as defined under Section 320 of the IPC.

On the other side, Mr. R.C. Debnath, learned Addl. PP has seriously opposed the bail stating that the nature of the injury and the location of the injury show that the attempt might be carried out for killing the injured.

Having scrutinized the Case Diary as well as the Injury Report, this court is of the view that the petitioners namely Sri Anil Das, Sri Sudip Das, Sri Abhijit Das and Sri Pranesh Das may be enlarged on the pre-arrest bail with certain conditions. Hence, it is directed that in the event of the arrest of the petitioners namely Sri Anil Das, Sri Sudip Das, Sri Abhijit Das and Sri Pranesh Das in connection with Kamalpur P.S. Case No.2018 KMP 026 dated 18.02.2016 under Section 341/326/325/307/34 of the IPC they shall be released on bail on furnishing a bail bond of Rs.40,000/-(Forty Thousand only)

supported by two surities of the like amount each to the satisfaction of the arresting Police Officer subject to condition that they shall report to the Kamalpur Police Station twice in every week for the next 8 (eight) weeks and they shall not leave their ordinary place of residence without intimating the Investigating Officer. In addition thereto, they shall not try to coerce or allure the persons seized of the information in respect of the said occurrence and who may be cited as the witness by the Investigating Agency.

It is made clear that any breach of this conditions may attract cancellation of the bail and for this purpose, the Additional Sessions Judge, Unokoti Judicial District, Kamalpur is authorized to entertain such application for cancellation of bail.

In terms of the above, this application stands allowed.

A copy of this order be furnished to Mr. R.C. Debnath, learned Addl. PP. The Case Diary and the Injury Report as submitted are returned.

JUDGE