

**HIGH COURT OF TRIPURA  
AGARTALA**

**AB NO.77 OF 2020**

**Tutan Ghosh & anr.**

**Vs.**

**State of Tripura.**

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For Petitioner(s)	:	Mr. S. Sarkar, Advocate.
For Respondent(s)	:	Mr. S. Debnath, Addl. P.P.

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**HON'BLE MR. JUSTICE ARINDAM LODH**

**Order**

**31/08/2020**

Heard Mr. S. Sarkar, learned counsel appearing for the accused-petitioners through video conference.

The accused-petitioners have filed the present anticipatory bail application on apprehension that they would be arrested in connection with case No.2020 KHW 039, dated 02.03.2020 under Sections 384/326/34 of IPC.

Also heard Mr. S. Debnath, learned Addl. P.P appearing for the State-respondent.

Case diary has been produced.

The apprehension of the petitioners arises due to the fact that the police personnel had raided their house in the meantime.

I have perused the statement of one Biswajit Datta of the case diary and other witnesses. It is revealed that there was an altercation regarding the payment of auto-rickshaw fare on 28.02.2020. It is stated that Biswajit Datta did not receive the fare when he was offered with Rs.20/- by the accused-petitioners

and he went away. Further, from his statement it is revealed that he along with others including the President of the Auto-rickshaw Union had entered into the house of the accused-petitioners at about 8.00/8.30 P.M. and started altercation. Thereafter the accused-petitioners had lodged an FIR with the police station but it is found that the time which is mentioned in the format of the FIR is manipulated by the investigating officer. For that, they had to approach the Superintendant of Police to register their complaint.

The complainant of the instant case also lodged an FIR which was duly registered. It is further revealed that one of the accused-petitioners had suffered fractured injury at Upper tibia of the leg, due to such attack by the complainant and his group. While granting interim bail, this Court had observed that the role of the police in the matter of investigation should be fair. There is political rivalry between the petitioners and complainant being the ruling party member.

I find no ingredients of Section 326 of the IPC as alleged by the complainant of the instant case. In my opinion, if the petitioners are arrested they would be unnecessarily harassed.

Accordingly, in the event of arrest, the petitioners, namely, **1) Shri Tutan Ghosh & 2) Sri Dulal Ghosh** shall be released on bail on their furnishing a bail bond of Rs. 50,000/- with one

surety of like amount each to the satisfaction of the arresting authority.

The petitioners are directed to appear before the investigating officer when the injured petitioner recovers from his fracture. The investigating officer is given liberty to interrogate the petitioners at any convenient place in the meantime.

With the above observation and direction, the instant anticipatory bail application stands allowed and thus disposed of.

A copy of this order may be supplied to the learned counsel for the parties through e-mail or Whatsapp, duly authenticated by the Registrar (Judicial) which shall serve all practical purposes. `

**JUDGE**

