

**HIGH COURT OF TRIPURA
AGARTALA**

B A. No.26 of 2021

Smti Priyanka Das on behalf of accused Hira Tripura.

..... *Petitioner(s)*.

Vs.

The State of Tripura .

..... *Respondent(s)*.

For Petitioner(s) : Mr. B.N. Majumder, Sr. Advocate.
Mr. S. C. Sen, Advocate.

For Respondent(s): Mr. Ratan Datta, Public Prosecutor.

THE HON'BLE MR. JUSTICE S. G. CHATTOPADHYAY

ORDER

30/04/2021

[1] This application under Section 439 Cr. P.C has been filed for granting bail to accused Hira Tripura, husband of the petitioner who has been undergoing detention in custody for about 87 days in connection with P.R. Bari P.S Case No.2020/PRB/009 dated 25.01.2020 registered under Sections 148,149,353,307,354,326 and 395 IPC and Sections 20(b)(i)(B) and Section 21(c) of the N.D.P.S Act, 1985.

[2] The factual background of the case is as under:

A *suo motu* complaint was lodged by Suman Singha, Officer-in-charge of P.R. Bari police station, South Tripura alleging that pursuant to a secret information he along with his accompanying police staff conducted raid in the house of Sri Krishna Mog at Batisha colony within the jurisdiction of P.R. Bari police station on 25.01.2020 and recovered 11.75 kg Ganja and 200 bottles of Escuf and 73 bottles of Phensedyle. At that time the

present accused namely, Hira Tripura along with others attacked the police officers with deadly weapons like iron rod, saw, dao and lathi etc. and snatched away the seized contraband along with the seizure list drawn up by police, other documents prepared by them, the weighing machine, seal and diaries of the police officers. It was alleged in the complaint that the said accused petitioner along with his associates also molested a woman constable on duty by pulling her hair and pushing on her chest. After the occurrence, the present accused and his associates escaped from the place of occurrence. Police however, managed to detain two of the offenders who were Thangya Mog and Smti Malati Mog.

[3] Based on the said FIR P.R. Bari P.S Case No.2020/PRB/009 was registered and case was taken up for investigation. In the course of investigation present accused Hira Tripura was arrested and put to custody for whom the bail application has been filed.

[4] Heard Mr. B. N. Majumder, learned Sr. advocate assisted by Mr. S.C. Sen, learned advocate for the petitioner.

Heard Mr. Ratan Datta, learned Public Prosecutor representing the State.

[5] It is submitted by Mr. B. N. Majumder, learned Sr. advocate that on the same set of allegations three accused have been enlarged on bail by this High Court on the ground that no contraband was seized from their possession. According to learned

counsel such bail was granted to those accused after their detention in custody for about 90 days. Learned Sr. counsel therefore, argues that on the same ground the present petitioner who has suffered detention in custody for about 87 days may be granted bail. It is further argued by learned counsel of the petitioner that the accused has a one and half months old baby at home and there is no male member in the family of the accused other than him to look after his family. Learned Sr. counsel therefore, urges the Court for releasing the accused on bail.

[6] Mr. Ratan Datta, learned Public Prosecutor vehemently, opposes the bail application and submits that the accused petitioner not only assaulted the police officers who were discharging their official duties, they also molested one woman constable on duty. Huge quantity of contraband was seized from the house of Krishna Mog which was snatched away by the accused petitioner along with his associates from the custody of police. It is submitted by Mr. Ratan Datta, learned Public Prosecutor that after the occurrence took place, the accused absconded and he managed to be out of the reach of police for a quite long period time which has delayed the investigation of the case. Mr. Ratan Datta, learned Public Prosecutor, therefore, urges the Court to reject the bail application.

[7] Perused the materials placed before the Court including the Case Diary. Considered the submissions of learned counsel appearing for the parties. Looking into the seriousness of the offence, the materials available against the accused and considering

the other parameters, I am of the considered view that it would not be appropriate to allow bail to the accused at this stage. Accordingly, bail application stands rejected. The investigating officer is directed to expedite the investigation.

In terms of the above, the matter is disposed of.

JUDGE

Dipankar

