

(2024) 01 TP CK 0004**Tripura High Court- Agartala****Case No:** Anticipatory Bail No. 43 Of 2023

Prasenjit Roy And Anr.

APPELLANT

Vs

State Of Tripura

RESPONDENT

Date of Decision: Jan. 4, 2024**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 161, 438
- Indian Penal Code, 1860 - Section 34, 120B, 323, 341, 382B, 395

Hon'ble Judges: Arindam Lodh, J**Bench:** Single Bench**Advocate:** P. Sen Chowdhury, Raju Datta**Final Decision:** Disposed Of**Judgement**

Arindam Lodh, J

Heard Mr. P. Sen Chowdhury, learned counsel appearing for the applicants. Also heard Mr. Raju Datta, learned P.P. appearing for the respondent-State.

This is an application filed under Section 438 of the Cr.P.C. for granting anticipatory bail to the accused-applicants in connection with Bishalgarh Police Station Case No.2023 BLG 117 dated 03.12.2023 registered under Sections 341/323/382-B/506/395/120-B/34 of IPC.

The facts of the case, in brief, are that the accused persons on 02.12.2023 at 6:30 p.m. had snatched Rs.2,50,000/- along with the mobile of the driver of the vehicle, Rakesh Hossain who was driving Bolero Maxxi Truck bearing registration no.TR07A1662. The said vehicle was coming from Sabroom and when it reached near Bye-pass Lockdown market under Bishalgarh Police Station, the accused persons namely Sri Bidyut Sarkar and Sri Shibu Roy had stopped the vehicle and assaulted the driver and snatched the aforesaid amount of money from him. Thereafter, they threatened the driver to go inside a rubber plantation and therefrom they called the owner to give Rs.3,00,000/- to release the driver, which prompted the owner of the vehicle to lodge the instant F.I.R. against the accused persons.

Mr. Sen Chowdhury, learned counsel for the applicants has submitted that the entire story as reflected in the F.I.R. is false. According to learned counsel for the applicants, there are so many established shops in and around the Bye-pass Lockdown market and it is a busy area. It is further submitted that it was absolutely impossible for the applicants to snatch Rs.2,50,000/- along with a mobile phone and to assault the driver in front of the people of the market. Mr. Sen Chowdhury, learned counsel also has drawn the attention of this Court that the F.I.R. was lodged after 26 hours of the

occurrence of the incident and that too without any explanation about the delay.

Opposing the submissions of learned counsel appearing for the applicants, Mr. Datta, learned P.P. has submitted that the accused persons are the habitual offenders. Mr. Datta, learned P.P. has further drawn my attention to the statements made by some persons recorded under Section 161 of Cr.P.C.

I have perused the case diary.

Prima facie, from the statement of the witnesses it comes to light that the accused persons stopped the vehicle, assaulted the driver and snatched some money.

Considering the above statements, I am of the opinion that this is not a fit case to grant anticipatory bail to the accused-applicants. The accused persons should surrender before the appropriate Court of the competent jurisdiction and pray for bail. Learned Magistrate is directed to consider the bail of the accused persons keeping in mind that the incident occurred at the market where many persons were present, but, none of them came forward to rescue the driver. It is also to be kept in mind that both the accused persons and the victim are known to each other. Another aspect to be kept in mind is that there is no explanation as to why there was delay of more than 26 hours in lodging the F.I.R.

In the light of the above, the instant anticipatory bail stands disposed.

Return back the case diary.