

(2024) 01 TP CK 0013

Tripura High Court- Agartala

Case No: Anticipatory Bail 3 Of 2024

Surajit Kumar Deb @ Sunu

APPELLANT

Vs

State Of Tripura

RESPONDENT

Date of Decision: Jan. 12, 2024

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 438
- Indian Penal Code, 1860 - Section 323, 341, 395, 400, 506
- Evidence Act, 1872 - Section 25

Hon'ble Judges: Arindam Lodh, J

Bench: Single Bench

Advocate: Debajit Biswas, S. Ghosh

Final Decision: Dismissed

Judgement

Arindam Lodh, J

This is an application filed under section 438 of Cr.P.C. for granting anticipatory bail in connection with Kanchanpur P.S. Case No.52 of 2023 under sections 341/323/395/400/506 of IPC.

Heard Mr. Debajit Biswas, learned counsel appearing for the accused/applicant. Also heard Mr. S. Ghosh, learned Addl. P.P. appearing for the respondent/State.

Mr. Biswas, learned counsel for the accused/applicant has submitted that the accused/applicant has falsely been implicated with the case. He has further submitted that the accused/applicant has been arrested in connection with Kanchanpur P.S. case No.52 of 2023 only on the basis of the confessional statement made by a co-accused. According to Mr. Biswas, learned counsel, the confessional statement made by a co-accused during the process of investigation cannot have any evidentiary value since it was shielded by Section 25 of the Indian Evidence Act. There is no other evidence against the accused/applicant. Mr. Biswas, learned counsel has prayed for releasing the accused/applicant on anticipatory bail during the course of investigation.

Mr. Ghosh, learned Addl. P.P. for the respondent/State has produced the case diary.

I have perused the case diary.

I find that there are sufficient materials surfaced during the process of investigation and the arrest of the accused/applicant is required to book the real culprit. Moreso, in the instant case, a police personal has already been arrested to the allegation that he was involved in the said dacoity.

In my opinion, if at this stage, the accused/applicant person is released, there will be serious repercussions in and around the locality and it will give a wrong perception to the traders.

In the light of above, I am not inclined to grant anticipatory bail to the accused/applicant. The accused/applicant should surrender before the competent court within 24 hours and cooperate with the process of investigation.

With the aforesaid observation and direction, the instant anticipatory bail application stands rejected.