

**HIGH COURT OF TRIPURA
AGARTALA**

BA 24 of 2021

Smt. Bulti Debnath W/O Sri Maran Debnath, resident of Purba Chandigarh
(Kamala Bagan), P.S- Melaghar, District- Sepahijala, Tripura

.....Petitioner(s)

on behalf of

Nayan Debnath, S/O Sri Maran Debnath, resident of Purba Chandigarh
(Kamala Bagan), P.S- Melaghar, District- Sepahijala, Tripura

----- Accused(s)

Versus

The State of Tripura represented by the Secretary to the Government of
Tripura, Home Department, Agartala

-----Respondent(s)

For the Petitioner(s) : Mr. Raju Datta, Adv.

For the Respondent(s) : Mr. Ratan Datta, PP.

BEFORE

HON'BLE MR. JUSTICE S.G.CHATTOPADHYAY

ORDER

09.04.2021

This application under Section 439 Cr.P.C. has been filed seeking release of the petitioner on bail who is in custody for more than 109 days in R.K.Pur Women P.S. Case No. 2020 WRP/052 registered under Sections 366A, 376 read with Section 34 IPC and Section 4 of the POCSO Act, 2012.

[2] FIR of the case was lodged by the father of the victim (name withheld to hide the identity of the victim) alleging, inter alia,

that while his daughter was returning home from private tuition on 23.10.2020, accused Md. Ershad Khan kidnapped his daughter in a Maruti car and taken her to various places where said Ershad Khan, the principal accused had committed sexual intercourse on her daughter several times. Later, the local people, who had detected his daughter in the custody of the accused, had informed him over telephone and thereafter his daughter was recovered from the custody of the said accused. Allegation against the present petitioner is that he aided the principal accused in the commission of the offence. There is no allegation of rape against him.

[3] Based on the said FIR of the father of the victim, R.K.Pur Women P.S. Case No. 2020 WRP/052 under Sections 366A, 376 read with Section 34 IPC and Section 4 of the POCSO Act, 2012 was registered and the principal accused along with the present petitioner and another accused namely Roni Miah were arrested and taken into custody. It is submitted by Mr. Raju Datta, learned counsel that by this time, accused Roni Miah has been released on bail by this court. According to Mr.Datta, learned counsel, the principal accused is still in custody and investigation of the case is over and charge sheet has also been submitted by the IO of the case. It is therefore, submitted by learned counsel of the petitioner that the detention of the accused is not

at all required for the purpose of investigation and moreover no iota of evidence is available against him justifying his further detention.

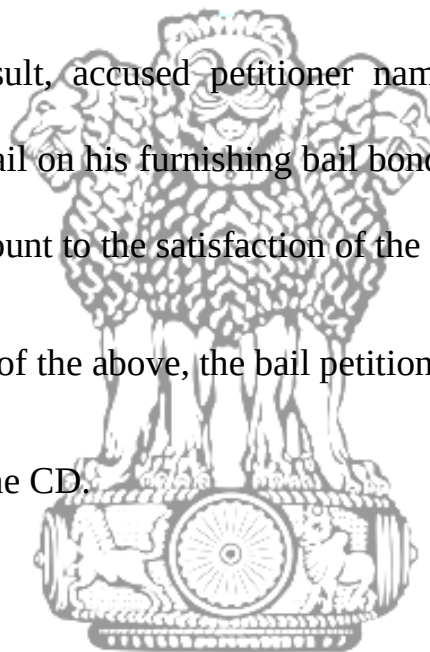
[4] I have heard Heard Mr. R.Datta, learned PP representing the state respondent and the materials placed before this court.

[5] Perused the case diary produced by the prosecution. True that detention of the accused is no longer required for the purpose of investigation, since investigation of the case is over and charge sheet is also submitted. Moreover, materials available against the petitioner do not also justify his further detention.

[6] As a result, accused petitioner namely Nayan Debnath may be released on bail on his furnishing bail bond of Rs.25,000/- with one surety of like amount to the satisfaction of the trial Judge.

In terms of the above, the bail petition is disposed of.

Return the CD.



JUDGE

सत्यमेव जयते