

Party Name : SRI BIKASH MALLA Vs THE STATE OF TRIPURA

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HON"BLE MR JUSTICE S.TALAPATRA

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Heard Mr. S. Sarkar, learned counsel appearing for the petitioner as well as Mr. P. Bhattachajee, learned Addl. Public Prosecutor for the State. Mr. Bhattacharjee is armed with the case diary. There is no dispute that occurrence took place at PHEK, Nagaland on 10.03.2013 even though in the First Information Report it has been generally stated that after marriage, the deceased was subjected to physical and mental torture on demand of dowry, but no particulars have been provided. But it has been stated categorically that after compromise of the matter by aid of the Panchayat, the accused had taken the deceased to PHEK in his battalion quarters. It has been pointed out by Mr. S. Sarkar, learned counsel appearing for the petitioner that the Departmental Court of inquiry on the same charge is in progress and from the communication dated 06.04.2013 as written by the Major, Adjutant for Officiating Commandant it appears that there was no marital discord and harassment in the case. The competent authority such as the Superintendent of Police, Belonia, South Tripura has been requested by the said Officer to protect their soldier from harassment. Mr. Sarkar has also referred to a dying declaration made by the deceased to the Executive Magistrate, EAC (Sadar), PHEK where the deceased has stated that "the accused had nothing to do and not involve with the incident." Without commenting any further on the matter which is under investigation and having considered the materials as placed on record and objection as raised by Mr. P. Bhattachajree, learned Addl. P.P, this Court is satisfied that the petitioner may be considered for giving privilege of the pre arrest bail and accordingly, it is directed that if the petitioner namely, Sri Bikash Malla arrested in connection with Belonia P.S Case No. 57 of 2013 under Section 498(A)/304(B)/ 109/34 of the IPC, he shall be released on bail on furnishing a bail bond of Rs. 40,000/- supported by two sureties of the like amount to the satisfaction of the arresting authority, subject to the condition that as and when the Investigating Officer would ask him to appear before them for any purpose relating to the investigation, he after taking due permission from the authority shall appear before the Investigating Agency and he shall not meddle with the investigation in any manner. Apart that, in case of the change in the place of duty, he shall inform the Investigating Officer within a period of 7(seven) days of such change without fail. With this observation and direction, this application stands allowed and accordingly is disposed of.