

Party Name : AMRITLAL DAS & 2 ORS Vs THE STATE OF TRIPURA

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THE HONBLE MR. JUSTICE S.C.DAS

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Heard learned counsel, Mr. S. Kar Bhowmik for the petitioners and learned Addl. P.P., Mr. R.C. Debnath for the State respondent. This is a petition under Section 438 of CrPC praying for bail of accused petitioners (1) Amrit Lal Das, (2) Ajit Das and (3) Sefali Das in the event of their arrest in connection with Melaghar P.S. Case No.77 of 2014 registered under Sections 498A, 302 and 109 of IPC. Case diary is produced by learned Addl. P.P. Perused the case diary. The allegation made in the FIR is that marriage between accused Shyamal Das and Sukla Rani Das, the elder sister of the informant Shyamal Das, was solemnized on a certain day in the year 2006 and after marriage they lived and cohabited peacefully for sometimes and a male child was also born, namely Sangram Das who is now seven years old. In the matrimonial home, accused Shyamal Das, his elder brothers, Amrit Das and Ajit Das and sister-in-law, Shefali Das, all started torture on her on demand of money to purchase an auto-rickshaw and on one occasion Sukla Rani Das was beaten out of the house and thereafter village meeting was held and after village meeting she was taken back to the in-laws house but again due to torture she left the matrimonial home and she took shelter in the parental home. On 26.08.2014, she was again taken back to her matrimonial home and on 29.08.2014 she was set to fire after pouring kerosene oil on her body. On 30.08.2014, the informant found her with injury in G.B. Hospital and on 09.09.2014 she died at G.B. Hospital. Mr. Kar Bhowmik, learned counsel for the petitioners has submitted that Smt. Sukla Rani Das, in all probability might have committed suicide and that the accused petitioners had been residing in a separate mess and the incident occurred in the house of the deceased and Shyamal Das, the husband of the deceased. In support of his contention he has referred a family ration card issued in the names of the accused petitioners. He has also submitted that so far it is disclosed that the deceased in her dying declaration only stated the name of accused Shyamal Das, Ajit Das and Sefali Das and she did not name the accused Amrit Lal Das. In the given facts and circumstances, he prayed for bail of all the accused petitioner. Learned Addl. P.P. opposed the prayer of bail on the ground that all the accused persons are involved in the crime. I have meticulously gone through the materials collected by I.O. in the meantime. The dying declaration of the deceased has been recorded in the presence of an Executive Magistrate which shows that she has only named her husband, her brother-in-law Ajit Das and sister-in-law Sefali Das. While she could name three accused persons in the FIR, had the accused petitioner Amrit Lal Das was present at the time of occurrence she would definitely name him. Under such circumstances, bail prayer of Amrit Lal Das is allowed. He be released on bail in the event of his arrest in connection with Melaghar P.S. Case No.77 of 2014 registered under Sections 498A, 302 and 109 of IPC on his execution of a bail bond of `15,000/-(rupees fifteen thousand) with one surety of like amount to the satisfaction of the arresting officer or the officer-in-charge of the P.S. as the case may be on condition that he should keep himself available before the I.O. as and when required and that he should not directly or indirectly interfere with the investigation or influence the witnesses. The condition of bail may be relaxed to the satisfaction of learned SDJM, Sonamura. Bail prayer of accused Ajit Das and Sefali Das stands rejected. Send a copy of this order to the O/C of the concerned P.S. and a copy to the Court of learned SDJM, Sonamura. Case diary is returned to learned Addl. P.P. Bail application accordingly stands disposed of.