

Party Name : RUPALI DAS ON BEHALF OF ACCD. ATINDRA DAS & ORS Vs THE STATE OF TRIPURA

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THE HONBLE MR. JUSTICE S.TALAPATRA

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These bail applications being Bail Appl. No.107 of 2015 for the accused persons, namely Sri Satindra Das, Sri Siddhartha Das @ Saheb and Smt. Kalpana Das and the Bail Appl. No.116 of 2015 for the accused persons, namely Sri Atindra Das, Smt. Shibu Biswas (Das) and Smt. Shikha Das are taken up together for the simple reason that all the accused persons seeking bail under Section 439 of the Cr.P.C. are implicated in the Ranirbazar P.S. case No. 16 of 2015 under Sections 498-A/302/34 of the I.P.C.

Heard Mr. S. Chakraborty, learned counsel appearing for the accused persons as well as Mr. A. Ghosh, learned P.P. appearing for the State.

In terms of the order dated 16.10.2015, Mr. Ghosh, learned P.P. has produced the case diary. It appears from the case diary that the final police report chargesheeting the accused persons has been submitted on 05.10.2015.

Mr. Chakraborty, learned counsel appearing for the accused persons has contended that the allegations against the accused persons are assumptive in nature and not based on any foundation. They are entirely innocent.

Against the accused persons the allegations made by the informant, namely Sri Ajit Kumar Das are that his elder sister, namely Kalpana Das was married to one of the accused persons, namely Sri Jitendra Das. After her marriage, his sister was subjected to mental and physical torture by her in-laws. On her retirement, for grabbing her retiral benefits she was subjected to serious torture. Her husband and two brothers, namely Sri Atindra Das and Sri Satindra Das and their wives regularly tortured Kalpana as she was childless and not beautiful. Often times they used to drive her out from her matrimonial home. On many occasions she took shelter in the residence of the informant. 2/3 months before her death which took place on 16.04.2015, the said younger brothers of Jitendra Das attempted to kill her for grabbing the retiral benefits. Considering that if the police was informed that might bring disrepute to the family, no complaint was filed in the police station. Finally, they took control of her money. On 16.04.2015, his sister was killed by sharp weapon.

Mr. Ghosh, learned P.P. appearing for the State has submitted that the police has completed investigation within the statutory period. Unless the trial is complete keeping the accused persons in the custody, for their link with the power they might influence the witnesses. Apart that, from the case diary based on which the final report has been submitted, it would be apparent that the conspiracy is well orchestrated and initially, the police was reported that the death was suicidal. But from the post-mortem report it would be apparent that the death is homicidal in nature. As such, no leniency be shown to the accused persons.

While appreciating the submission of the learned counsel appearing for the parties, this Court has scrutinized the case diary. It appears that this is not a case where this Court may be inclined to grant bail to the accused persons, even to the female accused persons at this stage. Hence, these bail applications stand rejected.

The accused persons may approach the trial court for bail. The trial court notwithstanding this order if finds the trial cannot be completed within a reasonable period or for any other reason may consider enlarging the accused persons on bail in accordance with law.

The case diary so produced be returned.