

Party Name : NIKHIL CH NATH ON BEHALF OF ACCUSED KARUNA KANTA NATH Vs  
THE STATE OF TRIPURA

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THE HONBLE MR. JUSTICE S.TALAPATRA

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This is an application under Section 439 of the Cr.P.C. for grant of bail in favour of the accused person, namely Karuna Kanta Nath in connection with Kanchanpur P.S. case No.2015 KCP 070 under Sections 498-A/302/34 of the I.P.C. The accused person is in custody since 20.08.2015.

The allegations made against the accused person by the bereaved father of the deceased, namely Smt. Swapna Debnath, wife of the accused person that after one year of the marriage the accused person subjected the deceased to physical and mental torture on unlawful demand. When the informant denied to provide the accused person a motor bike on his demand, the cruelty on the deceased increased manifold. On the other occasion, the accused person demanded a sum of Rupees one lac. When the said demand was not fulfilled, the accused person burnt palms of the deceased on 11.07.2015. on 12.07.2015 the deceased came to the informant's house, when she was given the treatment. The accused took her back on 14.08.2015 on persuasion. It has been further alleged that for giving birth of girl child the deceased was subjected to further torture. There had been a village *baithak* for finding out a resolution, but without any avail. On 29.08.2015 the informant received the information that his daughter was no more. He rushed to the Kanchanpur Hospital and found injury marks on the person of the deceased.

Mr. P. Debnath, learned counsel appearing for the accused person has submitted that the allegations are assumptive in nature and without any foundation. He has submitted that the deceased was under the treatment of Psychiatrists. The death according to the learned counsel for the accused persons is natural, not homicidal as alleged.

Mr. R. C. Debnath, learned Addl. P.P. appearing for the State, in terms of the order dated 15.10.2015 submitted the case diary and based on the case diary he has contended that incriminating materials are in abundance against the accused person. He has strongly opposed the prayer for bail in this stage of investigation.

This Court has scrutinised the materials in the case diary and found that the cause of death is yet to be ascertained. The decision is pending for the histo-pathological report. The State Forensic Science Laboratory (SFSL) has not sent the said report as yet. In the post-mortem report it has been observed that the bleeding was present inside with bluish coloured, around 20 ml. of semisolid. Till the histo-pathological report is available, the accused person may not be enlarged on bail in view of other materials available in the case diary. Accordingly, this bail application stands rejected.

The investigating authority is directed to collect the histo-pathological report and place the same before the court of the Sub-Divisional Judicial Magistrate, Kanchanpur or the Judicial Magistrate of the police station area in the earliest.

Notwithstanding this order, the SDJM, Kanchanpur or the JM of the police station area may consider the histo-pathological report or the final opinion as to the cause of death or for any other reason, the prayer for bail as may be made by the accused person, in accordance with law.

The case diary is returned.