

Party Name : SRI MADAN KRISHNA DEBNATH ON BEHALF OF ACCUSED TUTAN DEBNATH @ TUTU Vs THE STATE OF TRIPURA

---

THE HONBLE MR. JUSTICE S.TALAPATRA

---

Heard Mr. P. Debnath, learned counsel appearing for the accused person as well as Mr. R.C. Debnath, learned Addl. P.P. appearing for the State.

This is an application under Section 439 of the Cr.P.C. for bail.

In terms of the order dated 15.10.2015, Mr. Debnath, learned Addl. P.P. has produced the case diary. Mr. Debnath, learned Addl. P.P. marked the relevant parts of the case diary for consideration by this Court.

Mr. P. Debnath, learned counsel appearing for the accused person has submitted that for about 110 (one hundred ten) days the accused person is in the custody in connection with Amtali P.S. case No.2015 AMT 077 under Sections 302/201/34 of the I.P.C. Mr. Debnath, learned counsel has stoutly submitted that there is no incriminating material against the accused person justifying his arrest and detention.

For purpose of appreciating the contention made by Mr. Debnath, learned counsel appearing for the accused person and the resistance offered by Mr. Debnath, learned Addl. P.P., this Court has examined the first information report as well as scrutinized the case diary. In the ejahar, there is a murmur against the accused person that perhaps it is the accused person who called the deceased from the house and thereafter, the deceased was not found till his dead body was traced out. This is the nature of incriminating material even in the case diary. The other materials in the case diary stand to extend the different version about from commission of offence.

Having regard to the circumstances and the principles laid down in Section 437 of the Cr.P.C., this Court is of the view that since there are dearth of materials even after 110 days to generate such belief in the court that the accused person might have committed this offence, the accused person may be enlarged on bail.

Accordingly it is ordered that the accused person, namely *Sri Tutan Debnath @ Tutu* shall be rereleased on bail on furnishing a bail bond of Rs.40,000/- (Rupees Forty thousand) supported by 2(two) sureties of the like amount to the satisfaction of the Sub-Divisional Judicial Magistrate, Bishalgarh, West Tripura subject to condition that the accused person shall report to the investigating officer twice in a week for the next 3(three) months and he shall not try to influence the investigation in any manner or induce any witnesses in order to dissuade him to reveal the truth. That apart, the accused person shall not leave his ordinary place of residence indicated in this bail application without prior permission from the Sub-Divisional Judicial Magistrate, Bishalgarh.

With this observation and directions, this bail application stands allowed and disposed of. The case diary so produced be returned forthwith.