

**HIGH COURT OF TRIPURA  
AGARTALA**

**BA No.112/2020**

Smt. Suniti Das

.....Applicant(s)

On behalf of Shri Chandan Das.

.....Accused(s)

**Versus**

The State of Tripura

.....Respondent(s)

**B \_ E \_ F \_ O \_ R \_ E**

**HON'BLE MR. JUSTICE S.G CHATTOPADHYAY**

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For the Applicant(s) : Mr. S.S. Debnath, Advocate.

For the Respondent(s) : Mr. Ratan Datta, PP.

Date of Hearing & : **29.10.2020**  
Delivery of Order

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**ORDER**

[1] This is an application under Section 439 Cr.P.C. filed on behalf of the accused Chandan Das for his release on bail.

[2] Heard Mr. S.S. Debnath, learned advocate appearing for the accused as well as Mr. Ratan Datta, learned PP appearing for the state respondent.

Mr. Datta, learned PP has produced the case diary in terms of the order dated 21.10.2020.

[3] Allegation against the accused as it emerges from the FIR is that on 23<sup>rd</sup> April, 2020, he along with the other

accused namely Suman Das committed rape upon the victim and killed her by strangulation. The FIR was lodged by Smt. Sunita Das, daughter-in-law of the victim on 27.04.2020 and based on her FIR Bishalgarh P.S. case No. 2020 BLG 026 under Sections 376(D), 302, 201 read with Section 34 of the Indian Penal Code was registered against both of the accused and investigation was taken up. After carrying out the investigation, SI Raju Bhowmik of Bishalgarh P.S. submitted charge sheet against both of the FIR named accused with a prayer to the court for their custodial trial. On the basis of the charge sheet cognizance of offence was taken by the learned Jurisdictional Magistrate and the case was committed to the court of Additional Sessions Judge, Bishalgarh and which has been listed by the trial court for framing of charge.

[4] It is in this backdrop of circumstances the petition under Section 439 Cr.P.C. has been filed in this court seeking release of the accused on bail.

[5] Mr. S.S.Debnath, learned counsel appearing for the accused contends that the accused is in custody for more than 6 months. His old and ailing mother is alone at home who needs the care and support of her son particularly in this pandemic situation when nobody comes forward to help her. Learned counsel has further contended that the investigation is over. Charge sheet has been submitted and the trial is about to commence and under these circumstances the prosecution will not be prejudiced if the accused is granted

bail. Learned counsel, therefore, urges the court for granting bail to the accused on any condition whatsoever.

[6] Mr.R.Datta, learned PP on the other hand submits that the accused is alleged to have committed rape and murder of a helpless woman who used to live alone in a rented house and the sole reason for committing this gruesome offence is that she raised her voice against various illegal activities committed by the two accused near her home. It is further contended by Mr.Datta learned counsel that the prayer of the investigator for trial of the case keeping the accused persons in custody was also considered by the learned trial court and the order of the trial court passed in this regard was not challenged in any court. It is also submitted by Mr.Datta, learned PP that in view of the allegations against the accused petitioner and the materials available against him, his bail petition is liable to be turned down.

[7] I have gone through the records made available before this court. At this stage, it would not be appropriate to make any in-depth analysis of the incriminating materials available against the accused petitioner. Suffice it to say that having scrutinized the records produced before this court and the submissions made on behalf of the parties, this court is of the considered view that the benefit of bail cannot be extended in favour of the accused petitioner at this stage. In the result, the petition stands dismissed.

The CD be returned to Mr. Ratan Datta, learned  
PP.

The case is disposed of.

**JUDGE**

