

**HIGH COURT OF TRIPURA
AGARTALA**

A.B. No.08/2023

Smt. Supriya Chowdhury & another

..... Applicant(s).

V E R S U S

The State of Tripura

.....Respondent(s).

For Applicant(s) : Mr. P.K. Biswas, Sr. Advocate,
Mr. Rishiraj Nath, Advocate.

For Respondent(s) : Mr. Ratan Datta, P.P.,
Mr. Sumit Debnath, Addl. P.P.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

02/06/2023

Heard Mr. P.K. Biswas, learned senior counsel assisted by Mr. Rishiraj Nath, learned counsel for the petitioners/applicants and Mr. Ratan Datta, learned Public Prosecutor appearing for the respondent-State.

Petitioners/applicants are the mother-in-law (aged 57 years) and married sister-in-law (aged 36 years) of the deceased who are accused along with the husband in Amtali P.S. case No.2023AMT069 registered on 07.05.2023 for the offence punishable under Sections 498A/304B/34 of the IPC. As per the prosecution story lodged by one Smt. Mamata Roy, mother of the deceased, on 07.05.2023 before Amtali Police Station, the deceased was married to one Apan Chowdhury six years back and a daughter was

born out of their wedlock. She was subjected to mental and physical torture in inebriated condition by her husband after one year of their marriage at regular intervals and that these two petitioners/applicants used to slur insults towards her and tortured her and used to tell her to go out of the house. During the time of Durga Puja festival in 2022, the victim was asked to bring money from her parental house and accordingly, was subjected to torture. There were regular demands of dowry by the husband. It is stated that on 07.05.2023 at around 12 p.m. she was informed over telephone by a neighbour of the victim that her daughter had committed suicide by hanging herself. When she went to the spot, she found her daughter to be hanging in the kitchen room of the house and accordingly, strong suspicion on the husband, mother-in-law and sister-in-law of the deceased was raised which led to lodging of the complaint.

Learned senior counsel for the petitioners/applicants submits that the allegations are mainly against the husband who has already been arrested on 08.05.2023 and is in custody. The petitioners/applicants are the mother-in-law (aged 57 years) and married sister-in-law (aged 36 years). The petitioner/applicant No.2 namely Smt. Pinki Chowdhury has been residing elsewhere with her husband and other family members. Petitioner/applicant No.1 is suffering from eye problems and is under treatment of the doctors at Agartala Government Medical College where she

has been advised to go for an eye operation. The minor child is staying with petitioner/applicant No.1. Apparently, the victim committed suicide on account of the torture and demand of dowry by the husband. As such, petitioners/applicants who are females may be enlarged on bail as they are ready to cooperate in the investigation with suitable conditions.

Learned Public Prosecutor has strongly opposed the prayer. He submitted that the death occurred in the matrimonial home within 7(seven) years of the marriage in unnatural circumstances. As such, there is a presumption of dowry death against the accused persons who are mother-in-law and sister-in-law respectively. As such, pre-arrest bail may be denied.

I have considered the submissions of learned counsel for the parties and taken note of the materials placed from the record and also referred from the case diary by the learned Public Prosecutor.

It appears that the main thrust of the allegations are against the husband who used to torture her in inebriated condition and also demand dowry at regular intervals. The minor daughter of the victim is staying with the petitioner/applicant No.1 who is 57 years of age and as per the case of the petitioner/applicant No.2, she is residing with her husband elsewhere. Petitioners/applicants being females are ready to cooperate in the investigation.

In such circumstances, this Court is inclined to grant the privilege of anticipatory bail to these petitioners/applicants namely Smt. Supriya Chowdhury and Smt. Pinki Chowdhury, in the event of their arrest or surrender, subject to furnishing bail bonds of Rs.10,000/- (rupees ten thousand) with two sureties each of the like amount to the satisfaction of the learned Sessions Judge, West Tripura, Agartala in connection with Amtali P.S. case No.2023AMT069. One of the bailors shall be a close relative of the petitioners/applicants. Petitioners/applicants shall cooperate in the investigation and appear before the investigation agency on being noticed. Petitioners/applicants and their bailors shall submit their Aadhaar Cards, mobile numbers and passports, if any, at the time of release of the applicants. Petitioners/applicants and their bailors shall not change their mobile numbers and addresses without the permission of the trial Court.

The anticipatory bail application stands disposed of.

(APARESH KUMAR SINGH), CJ

PULAK BANIK Date: 2023.06.03
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