

**HIGH COURT OF TRIPURA
AGARTALA**

AB 13 of 2024

Sekhar Chowhan

..... Applicant

Versus

The State of Tripura

....Respondent(s)

For the Applicant(s) : Mr. A. Bhowmik, Advocate
Mr. Ankur Saha, Advocate

For the Respondent(s) : Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE ARINDAM LODH

Order

26/03/2024

Heard Mr. A. Bhowmik, learned counsel along with Mr. Ankur Saha, learned counsel appearing for the applicant. Also heard Mr. Raju Datta, learned P.P appearing for the State.

2. The applicant, namely, Sri Sekhar Chowhan presented the present application for granting him anticipatory bail in view of the fact that police personnel have been trying to arrest him since after lodging of the FIR being Ranirbazar PS Case No.2014 RNB 001 dated 07.01.2024 filed by Sri Ajit Sarkar stating *inter alia* that he, being the father of the Katha Kali Chowhan, had made a telephonic call and informed him that his son-in-law i.e. husband of Katha Kali Chowhan, died out of cardiac arrest.

3. Briefly stated, Kathakali Chowhan, daughter of the applicant and her husband, namely, Biswajit Sarkar used to reside at Ranirbazar in a rented house. Kathakali Chowhan is engaged in modeling for which her husband had raised several objections and later on, out of some disputes, his son-in-law i.e. Biswajit Sarkar had committed suicide by hanging. After the incident, the applicant over telephone informed the complainant regarding the said incident. Since there was inconsistency in the information supplied by the applicant that Biswajit Sarkar died out of cardiac arrest, but later on, he came to know that his son might have been murdered, he suspected that

both his daughter-in-law, and her father, namely, Sekhar Chowhan, the applicant herein were involved in the incident.

4. After lodging of the FIR, the police recorded the statements of one Smt. Mausami Kanu, a tenant of the rented house, where she stated that on 05.01.2024 at about 6:00 am, daughter of the applicant i.e. Kathakali Chowhan suddenly raised hue and cry and informed them that her husband i.e. Biswajit Sarkar was found hanging in a room of their rented premise. Then they entered into the room and found the body was lying on the bed and there was injury mark on the head of the victim. Police registered the said complaint on 07.01.2024 on the basis of which they are trying to arrest the applicant.

5. Mr. Bhowmik, learned counsel appearing for the applicant, has submitted that the applicant is wholly innocent. He also submits that the applicant is a retired teacher and the applicant resides at Krishnanagar, Agartala. Learned counsel further submits that the applicant has been falsely implicated in this case by the informant. He further submits that the PO is much far away from the residence of the applicant. It is true that the daughter of the applicant by profession is a model, and for that reason sometimes her husband as well as the family members of the husband expressed their dissatisfaction and annoyance over her profession. He further submits that the husband of the applicant, Sri Biswajit Sarkar was aware of the fact that the daughter of the applicant was a model by profession and it cannot be the ground that either the applicant or his daughter had committed murder of said Sri Biswajit Sarkar.

6. Mr. Bhowmik, learned counsel for the applicant has relied upon a decision of the Supreme Court rendered in *Siddharam Satlingappa Mhetre vs. State of Maharashtra and Ors.* reported in (2011) 1 SCC 694 where the Hon'ble Supreme Court had laid down the principle of granting anticipatory bail at paragraphs 111 and 112.

7. On the other hand, Mr. Datta, learned P.P appearing for the State-respondent has vehemently raised objection against the present petition for granting anticipatory bail to the applicant. Mr. Datta, learned P.P has produced the case diary before this court and has laid much emphasis upon the statement of another tenant of the house.

Learned P.P has placed reliance upon two decisions before this court at the time of hearing which are:-

1. *State of Orissa vs. Mahimananda Mishra and other connected case reported in (2018) 10 SCC 516*
2. *Kiran Devi vs. State of Rajasthan and Anr. Reported in (1787) (Supp) SCC 549.*

8. I have perused the statements of another tenant, namely, Mausami Kanu. It is found that she had stated that *on 05.01.2024 at about 06.00 am approx, the applicant had raised hue and cry and informed them that her husband Biswajit Sarkar committed suicide by hanging with the assistance of a saree. Then they entered into the room of the rented premises and found Biswajit Sarkar in a lying condition and had noticed some injury on his head. On being asked, the applicant further informed them that Biswajit Sarkar committed suicide at about 2:00-02:30 am. The witness further stated that the couples had a quarrel with each other on the previous night. There was such a quarrel also about 5-6 months back. It is also stated that the applicant sometimes used to go outside Tripura to pursue her profession. It is further stated that since the quarrel was occurred due to raising of objection against her profession, she suspected that the applicant committed the murder.*

9. On the basis of the statement made by Smt. Mausami Kanu, learned P.P has raised objection in the granting anticipatory bail to the applicant.

10. I have considered the submissions advanced by learned counsel appearing for the parties and have perused the case diary meticulously.

11. From the hand-sketch-map prepared by the investigating officer, it reveals that there are two bedrooms. Bedroom-A is the P.O and adjacent to the same, there is another bedroom which is marked as "B". It is stated by the I.O. in the index while pointing the Bedroom-A that in the said room "*Biswajit Sarkar was found hanging condition as per version of local witnesses*".

12. Thereafter, the submissions of learned P.P as well as the statements of Smt. Kanu, another tenant which I referred to here-in-above have led me to peruse the inquest report. In the inquest report, it is stated that the Police Officer had found one swelling mark on the forehead of the deceased. No other injury were noticed or identified by the officer concerned on the

person of the deceased. There was ligature mark around the neck of the deceased which could happen due to hanging by jute rope. During the preliminary investigation at that point of time, it was found that on the previous night, there was incident of quarrel between both the couples and at that time the husband, Biswajit Sarkar had hit his forehead with the wall of the room and slept separately in a separate room and at about 6:00 am, the daughter of the applicant found Biswajit hanging on the said room. Ligature mark was also found during post-mortem examination. It was opined by the Doctor that the injury found in the forehead was caused due to “hard and blunt force impact” and injury No.2 is caused by the pressure impact of soft and broad ligature material. Further, from the statement of witness, Smt. Kanu, *prima facie* the presence of the applicant at that relevant point has not been established.

13. I find consistency between the inquest report and the post-mortem report and *prima facie*, I may come to a finding that it may not be the case of murder.

14. I have perused the cited decisions, and I am of the opinion that it is a fit case for granting anticipatory bail considering the consistency found in the statements made in the inquest report and post-mortem report.

15. Accordingly, the applicant, namely, **Sri Sekhar Chowhan** is released on pre-arrest bail. In the event of his arrest the applicant shall furnish a bail bond of Rs.50,000/- (Rupees fifty thousand) with one surety of like amount to the satisfaction of the Investigating Officer.

16. However, Sri Sekhar Chowhan is directed to cooperate with the process of investigation. He will appear before the concerned investigating officer thrice in a week between 11.00-11:30 am for the purpose of investigation. The I.O is also at liberty to interrogate the applicant in accordance with law.

17. As a sequel, the bail application stands allowed and disposed of with the above terms and conditions.

Return the case diary.

JUDGE

Rohit

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by SAIKAT KAR
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