

**HIGH COURT OF TRIPURA
AGARTALA**

A.B. 6/2025

Smt. Usha Rani Barman & anr.

-----Applicant(s)

Versus

The State of Tripura

-----Respondent(s)

For Applicant(s)	:	Mr. G. Sarkar, Advocate Mr. S. Ghosh, Advocate
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For Respondent(s)	:	Mr. R. Saha, Addl. PP
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HON'BLE MR. JUSTICE ARINDAM LODH
Order

05/03/2025

Heard Mr. G. Sarkar, learned counsel and Mr. S. Ghosh, learned counsel appearing for the applicant, Mrinal Kanti Barman. Also heard Mr. R. Saha, learned Additional PP appearing for the respondent-State.

This is an application filed under section 482 of the BNSS, 2023 for granting anticipatory bail to the applicant in connection with Melaghar PS case no. 064 of 2024 registered under Sections 85/ 103(1)/351(1)/3(5) of the BNS, 2023.

This court after perusal of the case diary vide Order dated 12.02.2025, granted interim bail to the accused-applicant on the ground that this Court after perusal of the case diary found that the deceased was in conscious mind for a considerable period of time when she suffered burn injuries. In that condition, the injured-deceased talked with her daughter and asked her to bring her wearing apparels to change her dresses. Accordingly, she changed her dresses and thereafter she was taken to Melaghar hospital. There she was treated by the doctors wherefrom she was referred to GBP hospital, Agartala since her condition was deteriorating.

However, after few hours she died. During the entire episode, the deceased did not disclose to anyone that her husband i.e. the applicant herein, had set her on fire or was in any way involved in respect of setting her ablaze. It is also transpired from the case diary that the relatives of the deceased also visited the hospital and talked with the injured-deceased, but, she did not disclose anything to them that the accused-applicant, being her husband, was in any way involved with the incident of fire where her body was ablazed.

During interaction with the accused-applicant in the court itself, I have seen that the abdominal part of the accused-applicant suffered injuries out of fire and there were also injury marks on his both hands also. The plea taken by the accused-applicant was that he tried to save his wife i.e. the injured-deceased, and he brought her to Melaghar hospital and thereafter to GBP hospital where relatives of deceased from her matrimonial side also arrived.

The daughter of the applicant, namely, Miss Mahesweta Barman, who studies in Class VIII had given her statement under Section 183(5) of BNSS, 2023. It reveals from her statement that she never disclosed that her deceased mother told her that her father i.e. the applicant herein, had set her mother ablaze.

In the light of above facts and circumstances, in my opinion, this is a fit case to confirm the interim bail of the accused-applicant dated 12.02.2025.

Accordingly, it is ordered that, in the event of arrest, the applicant, namely, **Mrinal Kanti Barman**, may be released on **bail** on executing a bond of Rs. 50,000/- with one surety of the like amount to the satisfaction of the arresting authority.

Today, I have interacted with the children of the applicant, who are present before this court. The daughter, Miss Mahesweta Barman studies in Class VIII in Melaghar English Medium School, and the son, Master Mainak Barman, attains the age of six years and also is a student of Melaghar English Medium School.

Mr. Saha, learned Additional PP appearing for the respondent-State has posed this court that the custody of the minor children be given to their father being natural guardian with a rider that the Para Legal Volunteers of that area shall keep a strong vigil upon the conduct of the applicant towards his children.

I have also interacted with the applicant who is also present before this court.

The applicant is an educated person and serving as a Teacher in a Government School.

In view of this, as proposed by learned Additional PP, I deem it fit to hand over the custody of both the children, namely, Miss Mahesweta Barman and Master Mainak Barman, to their father being natural guardian keeping in mind the overall welfare and wellbeing of the minor children.

Accordingly, the I.O. is directed to handover the custody of both the children to their natural guardian, father, Sri Mrinal Kanti Barman, the applicant herein, in course of the day.

Learned counsel for the applicant has submitted that the I.O. has attached/ freezed the bank accounts of the applicant and his mother lying with Tripura Gramin Bank, Melaghar Branch and Punjab National Bank, Melaghar Branch.

During interaction with the I.O., it is revealed that he has not obtained any permission from any court to freeze the bank accounts of the applicant and his mother. In other words, the I.O. freezed the accounts without observance of due process of law. The said conduct of the I.O. is unauthorative, unwarranted. Hence, this Court imposes a cost of Rs.10,000/- upon Sri Uttam Paul, S.I. of Melaghar PS, which is to be borne by him personally and not at the cost of State exchequer.

Accordingly, I direct the I.O. to immediately inform the Bank Managers of the concerned banks to defreeze the bank accounts of the applicant as well as his mother, Smt. Usha Rani Barman.

It is also directed that the cost of Rs.5,000/- shall be paid by the I.O. to Sonamura Bar Association and remaining amount of Rs.5,000/- shall be paid to the Secretary, Legal Services Authority, Sepahijala District, from his own pocket.

Learned counsel for the applicant has submitted that T.C. has been issued by the Headmaster of Melaghar English Medium School in favour of the minor children for which they will not be able to appear in the ensuing examination.

In view of this, I direct the Headmaster of Melaghar English Medium School to immediately cancel the said T.C. issued in favour of the children, namely, Miss Mahesweta Barman and Master Mainak Barman and allow them to appear in the examination without any hindrance.

With the above observations and directions, the instant application stands allowed and thus disposed.

Send a copy of this order to the I.O., Melaghar PS and also to the Headmaster of Melaghar English Medium School for compliance, Secretary, District Legal Services Authority, Sepahijala District and Secretary, Sonamura Bar Association.

JUDGE