

**HIGH COURT OF TRIPURA
AGARTALA
A.B. No.83 of 2025**

Sri Jayanta Kumar Saha, aged about 45 years,
S/O late Birendra Saha,
Resident of Bardowali (near Government Press),
P.O.- A.D. Nagar, P.S.- A.D. Nagar,
Pin- 799003, District- West Tripura.

-----Accused-Applciant

Versus

The State of Tripura

-----Respondent (s)

For Applicant(s)	:	Mr. Sankar Lodh, Adv.
For Respondent(s)	:	Mr. Raju Datta, Public Prosecutor, Mr. Rajib Saha, Additional Public Prosecutor.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

21/11/2025

This pre-arrest bail application under Section 482 of BNSS is filed for granting bail to the applicant in connection with West Agartala, Women P.S. Case No.WAW 055 of 2025 under Sections 85, 115(2), 103(1) of BNS, 2023.

Heard Learned Counsel Mr. S. Lodh appearing on behalf of the applicant-accused and also heard Learned P.P., Mr. Raju Datta alongwith Learned Additional P.P., Mr. Rajib Saha appearing on behalf of the State-respondent.

As ordered earlier, received the record from the Learned Trial Court and Learned Addl. P.P. also has produced the case diary.

Taking part in the hearing, Learned Counsel, Mr. Lodh appearing on behalf of the applicant-accused submitted

that the applicant-accused has been falsely implicated in this case because his marriage with the alleged victim took place in the year 2008 and out of their wedlock, two issues were begotten to them and they were leading a very peaceful conjugal life. But all on a sudden the victim committed suicide and thereafter, out of malice the informant had lodged the FIR against him only for harassment. It was further submitted by Learned Counsel that on the alleged day the applicant-accused went to the residence of the private tutor of his son and he was outside home for a considerable period and after returning back, he had found that his wife hanged to the ceiling fan. It was further submitted that even on the alleged day the applicant-accused for the purpose of purchasing articles in connection with the marriage ceremony of his niece went outside along with the deceased victim and his children and after purchasing articles they returned back and thereafter, he went outside along with his son aged about 11 years who is studying in Holy Cross School to the residence of a private tutor and after that also dropped his elder son, who is a student of class-X, Holy Cross School to Mohan Sir at Circuit House and he was there at Circuit House at 7.45 P.M. and then he dropped his son to another private tutor, namely, Samarjit Nandi at Ramnagar Road No.2 and after returning back to home at about 8.30 P.M. along with his two sons, he found that his wife by this time has committed suicide by hanging. It was also further submitted that about 10 to 15 days back, prior to the death of his wife, a joint photo of his elder son with a girl was detected by his wife for which she became mentally upset and on the day of death,

prior to going to the private tutor's residence, the eldest son of the applicant-accused asked his mother to give the mobile phone but she did not agree but after several persuasion she became annoyed and handed over the mobile phone to her son, which may probably the cause of committing suicide by this wife and the tower location of the mobile would reveal the truth. So, in summing up Learned Counsel urged for granting pre-arrest bail to the applicant-accused.

On the other hand, Learned P.P. appearing on behalf of the State-respondent referring the case diary submitted that the investigation of the case is in progress. So, considering the materials on record appropriate order may be passed by this Court.

I have heard both the sides at length and perused the record of the Learned Trial Court and the case diary. In this case prosecution was set into motion on the basis of an FIR laid by one Smt. Sadhana Saha, wife of Sri Banada Prasad Roy, being the mother of the deceased to O/C West Agartala, Women P.S. alleging inter alia that in the year 2008, the marriage ceremony of her daughter Sukla Saha was held with accused, Jayanta Kumar Saha and at the time of marriage, Rs.70,000/- in cash along with gold made ornaments and other items were given. The accused is serving under CRPF and out of their wedlock her daughter gave birth of two sons. The accused in connection with his service had to stay outside in maximum occasion, so, her daughter used to take care of their children. After few years of marriage, the accused used to cause mental pressure upon her daughter to bring gold made ornaments and

her paternal property but when her daughter expressed the inability of her guardian, that time the accused became angry and assaulted her and when the informant could know the matter, thereafter, they gave some additional gold made ornaments to the accused but the accused was not satisfied. On 17.10.2025 at about 8.35 P.M. the accused called them and informed that Shukla committed suicide and hearing the same their family members rushed to their house and found that she was hanging with a scarf around her neck and hanged to the ceiling fan and her body was found kneeling and bent on the floor. Seeing the nature and condition of the death, it became clear to them that Shukla has been murdered by her husband and after killing she was hanged with her scarf to the blade of ceiling fan and when they reached their home they did not find accused person therein. After that the matter was reported to West Agartala, Women P.S. Hence, the FIR was laid. On the basis of the FIR the present case has been registered. The investigation of the present case is in progress. By this time the I.O. has recorded the statement of some of the witnesses of prosecution. The informant and her family members in course of their statement to I.O. made some incriminating evidence against the applicant-accused that the accused used to cause mental and physical cruelty upon the deceased victim but from their statements, it is not clear as to when and how the applicant-accused caused cruelty upon the victim and also it is not clear when the informant party gave money to the applicant-accused. There is no clear explanation in this regard from the side of the prosecution. More interestingly, by this time

the I.O. arranged for recording judicial statement of the son of the alleged victim and the applicant. I have also perused the statement. From his statement, it appears that before the jurisdictional Magistrate he made a different statement which is contrary to the prosecution story. I.O. also has recorded the statement of the son of the deceased and the present applicant-accused. More so, I have also perused the post-mortem examination report procured by I.O. by this time.

So, considering the materials on record and the evidence so far collected by I.O. as well as the post-mortem examination report, it appears to this Court that this a fit case where the concession of pre-arrest bail may be granted to the applicant-accused. Accordingly, the anticipatory bail application filed by the applicant-accused is hereby allowed. In the event of arrest, the applicant-accused may be enlarged on bail of his execution of bond of Rs.25,000/- with one surety of like amount to the satisfaction of O/C of the concerned P.S. with the following terms and conditions:

- (i) That the accused-applicant shall make himself available for interrogation by I.O. as and when call for the sake of investigation.
- (ii) That the applicant-accused shall not leave the jurisdiction of without prior permission of O/C the concerned P.S.
- (iii) That the applicant-accused shall not make any attempt to tamper evidence on record of the prosecution during the period of bail.

In case of violation of the terms and condition of bail, the I.O. shall be at liberty to move for cancellation of the bail granted to the accused to the concerned Jurisdictional Court.

Send down the record to the Learned Trial Court alongwith a copy of this order. Return back the Case Diary to I.O. through Learned P.P. along with a copy of this order.

Supply a copy of this order to Learned Counsel for the applicant-accused for information and compliance.

With this observation, this present bail application stands disposed of.

JUDGE

AMRITA DEB

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