

Party Name : AMRIT LAL DAS ON BEHALF OF ACCD. SHYAMAL DAS Vs THE STATE OF TRIPURA

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THE HONBLE MR. JUSTICE S.C.DAS

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This is an application under Section 439 of Cr.P.C. praying for bail of accused Shyamal Das in connection with Melagarh P.S. Case No.77/2014 dated 10.09.2014, registered under Section 498A/302/109 of IPC. The case has now been charge sheeted and has been committed to the Court of Sessions for trial and accordingly, it has been registered as Sessions Trial Case No.S.T.(T-2)W.T/S 36/2014, pending in the Court of learned Additional Sessions Judge, Sonamura, West Tripura under Sections 498A/306 of IPC.

Accused Shyamal Das having been arrested on 11.09.2014 is still in custody.

The FIR was lodged on 10.09.2014 by one Shyamal Chandra Das, elder brother of deceased Sukla Rani Das. It was alleged in the FIR that marriage between Sukla Rani Das and accused Shyamal Das was solemnized on a certain day in the year 2006 and after marriage they lived and cohabited peacefully for some time and a male child was also born, namely, Sangram Das, who is now seven years old. In the matrimonial home, accused Shyamal Das, his elder brothers Amrit Das and Ajit Das and sister-in-law Smti. Shefali Das, all tortured and tormented Sukla Rani Das on demand of money to purchase an auto rickshaw and on one occasion Sukla Rani Das was beaten out of the house and thereafter a village meeting was held and after village meeting she was taken back to her in-laws house and but again due to torture she left her matrimonial home and she took shelter in the paternal home.

On 26.08.2014 she was again taken back to her matrimonial home and on 29.08.2014 she was set to fire after pouring kerosene oil on her body. On 30.08.2014 the informant found her with injury in G.B. hospital and on 09.09.2014 she died in G.B.hospital. The informant lodged the FIR on 10.09.2014.

Similar bail application of this accused Shyamal Das was earlier rejected on the ground that the case was registered under Section 302 of IPC and a dying declaration of the deceased was recorded by the Medical Officer in the presence of the Deputy Collector while she was under treatment in the hospital.

It is now submitted by learned counsel, Mr. Kar Bhowmik that charge sheet has been filed under Section 498A and 306 of IPC and cognizance has been taken on the basis of the charge Sheet. So, there is no case under Section 302 of IPC as alleged in the FIR and as alleged initially while opposing the bail prayer.

Learned Additional P.P. has fairly conceded that charge sheet has been filed under Section 498A and 306 of IPC. He also submits that some other accused persons, named in the FIR, has been discharged on the prayer of the I/O.

Under such circumstances, I am inclined to consider the bail prayer of accused Shyamal Das. Accordingly, it is hereby ordered that accused Shyamal Das be released on bail on his furnishing a bail bond of Rs.50,000/- (Rupees fifty thousand) only with one surety of like amount to the satisfaction of the learned Additional Sessions Judge, Sonamura, West Tripura on condition that he should attend the Court on all dates fixed unless prevented with extreme reason and that he should not influence the witnesses in any manner.

The bail application, accordingly, stands disposed of.

Send a copy of this order to the Court of learned Addl. Sessions Judge, Sonamura, West Tripura.