

Party Name : GAUTAM SAHA FOR AND ON BEHALF OF ACCUSED UTTAM SAHA Vs THE STATE OF TRIPURA

THE HONBLE MR. JUSTICE S.C.DAS

This is a petition under Section 439 of Cr.P.C. praying for bail of accused Uttam Saha, in connection with East Agartala Women P.S. Case No.75/2014, registered under Sections 498(A), 302 read with Section 34 of IPC.

Heard learned counsel Mr. D. Deb for the petitioner and learned Addl. P.P., Mr. R. C. Debnath for the State-respondent.

Case diary is produced.

Perused the Case diary.

One Smt. Archana Das, set the law in motion lodging an FIR in writing before the O.C., East Agartala Women P.S. on 11.09.2014 alleging that her daughter Mitali Das was given in marriage with accused Uttam Saha of Aralia and after about 6 months of marriage, she was subjected to cruelty by accused Uttam Saha, his mother Minati Saha, his brothers Pradip Saha, Goutam Saha and brother's wife Mukta Saha. They all inflicted physical and mental torture on Mitali Saha on the allegation that the quality of articles given in marriage was inferior and that Mitali was not expert in household works. On 11.09.2014 at about 11-00 a.m. she received an information that Mitali was not traceable and on that information she went to the matrimonial home of Mitali and found her hanging in the kitchen hut of the accused persons. She suspected that the accused persons might have murdered her daughter Mitali and thereafter suspended her body in the kitchen hut to show that she committed suicide.

O.C., East Agartala Women P.S. registered the case under Section 498(A), 302 read with section 34 of IPC and investigation was taken up. Postmortem examination was done over the dead body of deceased Mitali and the Autopsy Surgeon has opined that the cause of death was asphyxia due to hanging. All symptoms found by the Autopsy Surgeon were suggestive of hanging and there was no other injury mark on the person of the deceased.

Learned Addl. P.P. has submitted that *prima facie* it is a case of abatement of suicide by inflicting cruelty on the deceased.

Learned counsel Mr. Deb has submitted that the deceased has committed suicide because of her mental problem and no cruelty was inflicted in any manner.

On perusal of the statements recorded by I.O., I find that the witnesses made statements that Mitali was subjected to mental and physical cruelty in the matrimonial home. No particular act of exercise of cruelty has been stated but still there is allegation of exercise of cruelty by the accused persons. The accused Uttam Saha is the husband and in his kitchen hut, Mitali committed suicide in the matrimonial home. So the allegation *prima facie* goes against him. He is in custody from 27.12.2014. The offence of Section 306 IPC is punishable with imprisonment to the extent of 10 years and fine. So, in the circumstances of the case, where the investigation is almost complete, the bail prayer made on behalf of the accused is allowed.

Accused Uttam Saha be released on bail on his execution of a bail bond of **Rs.25,000/-** (rupees twenty five thousand) only with one surety of like amount to the satisfaction of the Chief Judicial Magistrate, West Tripura, Agartala on condition that he should keep himself available before I.O. as and when required and that he should not interfere in the investigation or influence the witnesses in any manner. It is further condition that he should keep himself available before the Court on all dates which may be fixed by the trial Court.

The bail application accordingly stands disposed of.

Send a copy of this order to the Court of learned Chief Judicial Magistrate, West Tripura, Agartala.

Case diary is returned to learned Addl. P.P.