

Party Name : DULAL DEY ON BEHALF OF ACCD. PAPPU DEY Vs THE STATE OF TRIPURA

---

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

---

This petition has been filed by the petitioner in respect of East Agartala Women P.S. Case No.22 of 2015 dated 25.04.2015 under Sections 498A IPC read with Section 302 IPC.

The undisputed facts are that the accused Pappu Dey was married to the victim Supriya Biswas. It is also not disputed that on 25.04.2015 Supriya Biswas was found dead due to hanging. Post Mortem was conducted on the dead body of Supriya Biswas and the same only shows that the deceased died due to asphyxia caused by hanging.

The sole question is whether this hanging was homicidal or suicidal. The Post Mortem report does not in any way state that the hanging was homicidal in nature. There is no other material on record, at this stage, to show that the death of the deceased was homicidal in nature. The case of the petitioner in fact is that he had gone to the market and when he returned home he found that his wife had committed suicide by hanging and he took her immediately to the hospital.

This Court is not going into the merits of the case because that is something which the trial Court shall decide after recording evidence. The accused has been behind bars for about a month. It cannot be said with certainty that this is a case of homicidal death and therefore, I am of the opinion that the petitioner should be enlarged on bail. Even if the other allegations are true, the petitioner would only be guilty of offences under Section 498 IPC and may be under Section 304B IPC.

Be that as it may, the investigation is virtually complete and therefore, the petitioner is directed to be enlarged on bail on his furnishing bail bond in the sum of Rs.25,000/- (rupees twenty five thousand) with one surety in the like amount to the satisfaction of the Chief Judicial Magistrate, West Tripura, Agartala undertaking therein:-

- (i) That, the accused is directed not to tamper with or in any manner influence the prosecution witnesses;
- (ii) That, the accused shall ensure that no threat directly or indirectly is given to any of the prosecution witnesses;
- (iii) The accused is further directed not to cause any hindrance in the investigation;
- (iv) The accused shall not leave Tripura without permission of the appropriate Court;
- (v) The accused shall appear before the trial Court on each and every date of hearing. In case, he absents himself on any date, then the trial Court shall cancel the bail and the accused shall be arrested. Thereafter, the petitioner shall have to again approach this Court for grant of bail;
- (vi) In case, the accused violates any of the conditions or tries to delay the trial, the prosecution shall be at liberty to apply for cancellation of bail.

With these observations, the bail application is disposed of.

On the petitioner filing application for supply of the copy on payment of appropriate fees, the copy of the same shall be supplied to the petitioner by tomorrow.