

Party Name : BINODE BEHARI SARKAR ON BEHALF OF ACCD. BANANI SARKAR Vs THE STATE OF TRIPURA

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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This application for grant of bail has been filed by the applicant Sri Binode Behari Sarkar on behalf of accused Smt. Banani Sarkar (Roy) in connection with a case arising out of FIR No.KLA002 of 2015 dated 12.3.2015 registered with Killa Police Station under Section 302 of Indian Penal Code (IPC) r/w Section 27 of Arms Act.

The prosecution story briefly stated is that the applicant-accused was married to Late Manik Roy. Her co-accused Rajib Roy was also working in the Tripura State Rifle(TSR) along with the husband of the accused Manik Roy. According to the prosecution, illicit relations had developed between the accused and her co-accused Rajib Roy and, therefore, they decided to kill Manik Roy and to this end they engaged a professional killer the third co-accused Nalesh Debbarma who was paid Rs.1,00,000/- by the two main accused to kill the deceased. According to the evidence collected till now there is sufficient material on record in the form of conversations conducted on mobile phones between the three main accused, the withdrawal of huge amounts of money by co-accused Rajib Roy from the ATM using the ATM Card of the applicant-accused to indicate that this is not a case of no evidence.

This Court is not going into the merits of this case but the allegations are serious in nature and it cannot be said that this is a case of no evidence against the accused.

It has been contended by Ms. Purkayastha that the accused has been behind bars for 86 days and that she has a small 5 year old child who has nobody else to look after herself. The petitioner is charged with a very serious offence of murder and if she is guilty of such offence the child will have to unfortunately live her own life. The mere fact that the child is 5 year old in this case is not a sufficient ground to grant bail in favour of the accused.

Therefore, I find no merit in the bail application which is, accordingly, dismissed.