

Party Name : MD. OLI MIAH ON BEHALF OF ACCD. MD. NUMAN MIAH Vs THE STATE OF TRIPURA

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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This is an application for grant of bail filed by the applicant-petitioner Md. Oil Miah on behalf of the accused, Md. Numan Miah (hereinafter called as the accused) in respect of Kailashahar P.S Case No.08 of 2015 registered under Section 302 IPC.

The prosecution story is that co-accused Purabi Nath @ Jaba wanted that her brother and mother should give some no objection for mortgaging of land so that she could get a loan to run a business. According to the prosecution mother and her brother Pallab Nath refused to give such no objection. Consequently, Jaba @ Purabi Nath got very angry. According to thy prosecution Purabi Nath had an affair with Md. Numan Miah and she therefore, asked Numan Miah to get her brother killed and thereafter Md. Numan Miah, Purabi Nath, Md. Nawaj Sharif and Md. Jamir Ali conspired to killed Pallab Nath and while killing Pallab Nath they also killed one other person namely, Anjan Deb.

It is not disputed that Md. Nawaj Sharif was enlarged on bail. All the other three accused are behind bars. The charge sheet has been filed by the police. It shall be the duty of the Police to ensure that the entire copy of the charge sheet is supplied to the counsel for the accused within one week from today. Thereafter within one week the trial Court shall commit the case to the Court of Session and within one week thereafter the Sessions Court shall hear the matter on framing of charges.

At this stage this bail application is rejected but liberty is reserved to the accused to apply to the trial Court for grant of fresh bail and at the time of the framing of the charges the trial Court shall examine the entire evidence and consider whether the accused are to be released on bail. If the trial Court finds that the allegations made against Nawaj Sharif are similar to the allegations made against the present accused, bail should also be granted to him.

This Court is not going into the merits of the case because anything said at this stage may affect the framing of the charges.

Bail application is disposed of.

Copy of the order be supplied to the learned counsel for the parties by tomorrow.