

Party Name : NITOSH DAS ON BEHALF OF ACCD. SANTOSH DAS Vs THE STATE OF TRIPURA

---

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

---

This is an application for grant of bail filed by the petitioner Sri Nitosh Das on behalf of one accused Santosh Das in connection with Sidhai Police Station case No.14 of 2015 registered under section 302 of Indian Penal Code (IPC). Briefly stated, the prosecution story is that the informant came out of the Guest House being constructed at Bramhakunda at about 10 p.m. and noticed that a scuffle was going on between the three workers Kajal Das, Santosh Das and Bidhan Hrishidas. All three of the workers were intoxicated. The informant told the workers not to drink alcohol and to behave themselves. Later on, he found Kajal Das and Santosh Das cooking their food. He asked them about the third worker Bidhan Hrishidas and these two persons told him that Bidhan Hrishidas was sleeping inside the room. Next morning, on 08.02.2015 when the informant got up at 6.30 a.m. to answer the call of nature, he was informed by two other workers namely Tapan Das and Sujan Debnath that they in turn had been informed by Kajal Das and Santosh Das that the dead body of Bidhan Hrishidas was lying behind the building where they were staying. On behalf of the petitioner, it is alleged that there is nothing to connect the accused with the death of Bidhan Hrishidas. At this stage, this Court is not going into the merits of the case but if the statement of the informant is correct, then a scuffle had taken place between the three workers and after this scuffle when Bidhan Hrishidas was not there with the others, on the query of the informant, Santosh Das and Kajal Das informed him that Bidhan Hrishidas was sleeping in a room. This happened late at night and early next morning the dead body was found. In the State of Tripura, Section 439A has been added to the Code of Criminal Procedure (Cr.P.C.) and the amendment as made in the Cr.P.C. limits the power to grant bail in respect of certain offences including an offence under section 302 of IPC and one of the limitations is that the High Court or the Court of Sessions for reasons to be recorded in writing must be satisfied that there are reasonable grounds for believing that such person is not guilty of any offence as specified therein. The allegations against the accused may be right or wrong but at this stage on the basis of the material on record, it cannot be said that no case is made out against the accused. Therefore, I find no merit in the petition which is accordingly rejected.