

Party Name : ALAK DAS & ANR 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 anticipatory bail in respect of Airport P.S. case No.44 of 2015 registered under sections 302/379 read with section 34 of the Indian Penal Code (IPC).

This is a rather unusual case where it is alleged that the husband has committed suicide on account of the harassment meted out to him by his wife and her family members. Though initially the case was registered under Sections 302/379/34 of the IPC but it is now apparent that even according to the police investigation he committed suicide and, therefore, the only offence with which the accused have been charged is under Section 306 of IPC.

The allegations in this regard are that the wife of the deceased and her brother had an altercation with the deceased and they insulted the deceased during this altercation. According to the police, the deceased could not bear the insults and dirty language used against him by his wife and her brother and, therefore, committed suicide.

As far as the present petitioners are concerned, they are the father-in-law and the mother-in-law of the deceased, i.e. the father and mother of the wife and from the report of the Investigating Officer, I find that there is virtually no evidence to directly link them with the offence.

This Court is not deciding the case on merits at this stage and any observation is only for the purpose of deciding the bail application but at present, I am clearly of the view that the evidence *prima facie* does not justify the custodial interrogation of the two petitioners.

Accordingly, it is ordered that in the event of their arrest, the petitioners shall be enlarged on bail on their furnishing a bail bond in the sum of Rs.10,000/- (rupees ten thousand) with one surety each in the like amount to the satisfaction of the Arresting Officer subject to the following terms and conditions:-

(i) That, the male petitioner Alak Das shall appear before the Investigating Officer at 11.00 a.m. on Wednesday (12.08.2015). He shall also appear before the Investigating Officer on every subsequent date for which a written notice is served upon him. Since petitioner Smt. Chandra Das (Acharjee) is a lady, she shall, as far as possible, be questioned at her residence in the presence of a lady constable;

(ii) The petitioners are further directed not to tamper with or in any manner influence the prosecution witnesses;

(iii) The petitioners are further directed not to in any manner try to influence any of the prosecution witnesses;

(iv) The petitioners are further directed not to cause any hindrance in the investigation;

(v) The petitioners shall not leave Tripura without permission of the appropriate Court;

(vi) In case, the petitioners violate any of the conditions or try to delay the trial, the prosecution shall be at liberty to apply for cancellation of bail.

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