

Party Name : DIPANKAR DAS Vs THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This is an application for grant of anticipatory bail in respect of South Tripura Belonia Women P.S. Case No.2015 WPS 24 dated 22.08.2015 registered under Sections 498(A)/313/307/323 IPC.

The complainant is the wife, who is the victim and the petitioner is her husband. The complaint of the wife is that the husband has treated her with cruelty within the meaning of Section 498A IPC and that on 1st August, 2015, the husband abused her and tried to kill her. FIR has been lodged under Section 498A and 307 IPC.

In view of the judgment of the Apex Court in **Arnesh Kumar vs. State of Bihar and another : (2014) 8 SCC 273**, normally bail is to be granted in an offence punishable under Section 498A. The only question is whether a case under Section 307 IPC is made out. The case diary has been produced and in the case diary there is a discharge summary, which shows that the victim-complainant was admitted in Agartala Government Medical College and GBP Hospital on 1st August, 2015 and discharged the next day on 2nd August, 2015 and was diagnosed as suffering from polytrauma. There is nothing in this record to show that she had suffered any such injury, which was sufficient to lead to her death.

At this stage, this Court is not deciding the case on merits but at the same time the liberty of a citizen is at stake in view of the fact that there is very little evidence to indicate the commission of offence under Section 307 IPC.

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

(i) That, the petitioner shall appear before the Investigating Officer at 11.00 a.m. on Monday (14.09.2015). He shall also appear before the Investigating Officer on every subsequent date for which a written notice is served upon him;

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

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

(iv) The petitioner is further directed not to cause any hindrance in the investigation;

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

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

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.