

Party Name : KIRAN KAPALI ON BEHALF OF ACCD. LALIT KAPALI 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 petitioner in respect of West Agartala Women P.S. Case No.05 of 2014 registered under Sections 498A/307/34 of the Indian Penal Code (IPC).

The petitioner Smt. Kiran Kapali has filed this petition on behalf of her son accused Sri Lalit Kapali. Both of them are facing trial before the learned Additional Sessions Judge, Court No.5, Agartala, West Tripura in case No. S.T.(T-1) 49 of 2014. The petitioners were initially charged with having committed offences under Section 498A read with Section 307 and 34 of the IPC, but later on, the victim died and it appears that the charge under Section 307 must have been converted to a charge under Section 304B of IPC and accused Lalit Kapali is also charged individually for having committed the offence of murder under Section 302 of IPC.

From the records, I find that the accused has been regularly appearing in the case but on 04.8.2015 he did not appear. On that date, no witnesses were present. The mother was present. In the Court order, it is recorded that the mother stated that she did not know where her son was. On the next date, i.e. on 05.8.2015 again no witnesses were present. The accused Lalit Kapali appeared but since his bail bond had been cancelled on 04.8.2015, he was taken into custody. The submission of the accused before the trial Court as well as before this Court is that his earlier counsel advised him not to appear in Court on that date. He has also stated that he has changed his counsel thereafter. Keeping in view these facts, I feel that this is a fit case where the accused should again be released on bail.

Therefore, the accused Lalit Kapali is directed to be enlarged on bail on his furnishing bail bond in the sum of Rs.20,000/- (rupees twenty thousand) with one surety in the like amount to the satisfaction of the learned trial Court undertaking therein:-

- (i) That, the accused is directed not to tamper with or in any manner influence the prosecution witnesses;
- (ii) That, the accused shall ensure that no threat directly or indirectly is given to any of the prosecution witnesses;
- (iii) The accused is further directed not to cause any hindrance in the investigation;
- (iv) The accused shall not leave Tripura without permission of the appropriate Court;
- (v) The accused must appear before the trial Court on each and every date of hearing. In case, he absents himself on any date and no petition under Section 317 of Cr.P.C. is filed on his behalf, then the trial Court shall cancel the bail and the accused shall be arrested. Thereafter, the said person shall have to approach this Court for grant of bail;
- (vi) In case, the accused 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.