

THE HIGH COURT OF TRIPURA
AGARTALA

BAIL APPLICATION NO.102 OF 2015

Sri Bimalendu Biswas,
S/O. Lt. Byomkesh Biswas,
Resident of Capital Complex
Quarter No. D-2 Type-IV,
P.O.-Agartala, P.S.-East Agartala,
District-West Tripura.

..... **Petitioner.**

On behalf of the accused person namely:

Smt. Suchismita Biswas (Roy),
W/O. Lt. Pritam Roy,
D/O. Sri Bimalendu Biswas,
Resident of Capital Complex
Quarter No. D-2 Type-IV,
P.O.-Agartala, P.S.-East Agartala,
District-West Tripura.

..... **Accused Person.**

- V e r s u s -

The State of Tripura.

..... **Respondent.**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the petitioner	: Mr. B. Deb, Advocate, Mr. N. Sarkar, Advocate.
For the respondent	: Mr. A. Ghosh, Public Prosecutor.
Date of hearing	: 24.09.2015.
Date of judgment	: 30.09.2015.
Whether fit for reporting	: NO.

JUDGMENT & ORDER

This bail application has been filed by the petitioner Sri Bimalendu Biswas on behalf of accused Smt. Suchismita Biswas (Roy) in respect of East Agartala Police Station case No.2015 EAG 102 registered against the accused under Section 302 of the Indian Penal Code(IPC).

2. The allegations against the accused are that she has committed murder of her husband Pritam Roy (now deceased). It is urged by Mr. B. Deb, learned counsel for the petitioner, that though the accused has been behind bars for more than 75 days, the police has been unable to find any direct evidence to link her to the murder of her husband. It is also contended that the accused-wife is suffering from severe psychiatric illness and requires treatment and as such, she should be released on bail.

3. The undisputed facts are that marriage of the accused and her husband took place on 03.7.2014. Exactly one year later on 03.7.2015 a complaint was filed by the father of the deceased-husband to the effect that on 02.7.2015 he received a call from his daughter-in-law (accused) that his son is lying in an unconscious condition in Palace Compound. The complainant along with his nephew immediately went to the spot and saw that his son appeared to be dead. They took him to the G.B. Hospital where the doctor declared him to be dead. He found a mark on the throat of his son and asked the accused what had happened but she stated that she did not know anything about the death. The postmortem

was conducted on the dead body of the deceased. The police has come to the conclusion that the death was caused by asphyxia as a result of antemortem hanging.

4. Hanging can either be suicidal or homicidal. If it was suicidal, then the rope or other material used for hanging should have been around the neck of the deceased. The death occurred at about 2 a.m. and the wife should have been the best person to know how the death occurred. She has not stated a word as to what is the cause of the death of the deceased. It may be true that as at present there may not be any direct evidence against the accused-wife but there are serious circumstances which appear against her. The death has occurred in the middle of the night. The death is due to hanging. The ligature used for hanging is not found.

5. In these circumstances, I am clearly of the view that it cannot be said that there is no *prima facie* case against the accused and, therefore, in my opinion she is not entitled to be released on bail.

6. The next argument is that she is seriously ill. There is, in fact, material on record to support the suggestion that the accused is undergoing psychiatric treatment and was under treatment even before the occurrence took place. However, from the record I find that even after she was arrested the accused has regularly been treated in various hospitals. When a person is behind bars, it is the duty of the jail officials to ensure that the said

person is regularly sent for treatment. Therefore, while rejecting the bail application, I direct that as and when the accused requires treatment, she shall be immediately sent for treatment to the best available facilities in Tripura and it shall be ensured that she does not lack any treatment.

7. With this observation, the bail application is rejected.

CHIEF JUSTICE