

Party Name : PRASUN PAUL Vs STATE OF TRIPURA

---

THE HONBLE MR. JUSTICE S.TALAPATRA

---

Heard Mr. D. Bhattacharji, learned counsel appearing for the petitioner as well as Mr. R.C. Debnath, learned Addl. P.P. appearing for the State.

In terms of the order dated 28.10.2015, Mr. Debnath, learned Addl. P.P. has produced the case diary.

This is an application under Section 438 of the Cr.P.C. for grant of pre-arrest bail in favour of the petitioner in connection with Women P.S. case No.2015 WPS 014 under Sections 498-A/302/34 of the I.P.C.

The allegation against the petitioner and others is that on unlawful demand, the wife of the petitioner was subjected to severe physical and mental torture. On 22.03.2015 when the informant and his wife, the parents of the victim, went to meet her then they found the victim was in serious ailing condition. Immediately, thereafter on 30.01.2015 they received an information and when they rushed to the place of occurrence, they found their daughter was hanging from a ceiling fan and her knees were fractured. Based on the said written ejahar, West Agartala Women P.S. case No.2015 WPS 014 under Sections 498-A/302/34 of the I.P.C. was registered.

Mr. Bhattacharji, learned counsel appearing for the petitioner has submitted that the other co-accused are already on bail. He has also submitted that the allegations are concocted and fabricated only to implicate the accused persons out of anguish for the death of their closed one. He has also submitted that the victim had suicidal tendency which was registered even before her marriage.

From the other side, Mr. R.C. Debnath, learned Addl. P.P. appearing for the State has seriously opposed the prayer for pre-arrest bail and submitted that the petitioner cannot be equated with the other accused persons.

Having regard to the submissions made by the learned counsel appearing for the parties as well as on scrutiny of the case diary, this Court is of the view that the pre-arrest bail in favour of the petitioner cannot be granted and accordingly the same is rejected. However, the liberty would be granted to the petitioner to surrender either before the investigating agency or to the competent court. In that event, the petitioner may press the prayer for his bail when the competent court would pass the appropriate order after seeing the upto date case diary.

The case diary so produced is returned.