

**HIGH COURT OF TRIPURA
AGARTALA**

BA No.09 of 2023

Sahidul Miah @ Ferdus, Son of Faruk Miah, resident of Bhagyapur, Ward No-02, Dharmanagar, Pin-799251, P.S. Dharmanagar, Dist. North Tripura.

.....Applicant(s)

Versus

The State of Tripura.

.....Respondent(s).

For Applicant(s) : Mr. S. Datta, Advocate.

For Respondent(s) : Mr. Ratan Datta, Public Prosecutor,
Mr. Samrat Ghosh, Addl. P.P.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

29/05/2023

Heard Mr. S. Datta, learned counsel for the applicant/petitioner and Mr. Ratan Datta, learned Public Prosecutor for the respondent-State.

Petitioner is accused in connection with Kadamtala PS Case No.2023 KDL 0009 dated 27.03.2023 instituted under Section 382F/120B of IPC.

Petitioner was apprehended after a chase and a local made knife was recovered from his possession as per the First Information Report. On secret information that a gang of 10 to 12 persons were

smuggling approximately 50(fifty) Buffalos to the neighbouring country, a raid was conducted whereupon petitioner was apprehended and upon his statement, six number of stolen Buffalos and equal number of Motor Bikes which belonged to the gang of smugglers were seized.

Petitioner's prayer for regular bail was rejected by the learned Court of Sessions Judge, North Tripura, Dharmanagar considering the nature and gravity of the offence.

Learned counsel for the petitioner submits that petitioner has no criminal antecedent. He is in no way connected with the offence. He has been implanted in the case and moreover FIR was recorded at 02:30 hours on the early morning of 27.03.2023 and confessional statement of the petitioner was recorded at 7.10 PM on the same date. As such, the whole prosecution story, as alleged in the FIR that the stolen Buffalos and Motor Bikes were seized on his disclosure around 2.30 in the midnight, is apparently false and fabricated. As such, the petitioner may be enlarged on bail with suitable conditions.

Mr. Ratan Datta, learned Public Prosecutor has opposed the prayer and submits that the petitioner was arrested after the chase and on his disclosure statement, stolen Buffalos and Motor Bikes were recovered which belonged to a gang of smugglers of which petitioner is also a

member. Therefore, he may not be released on bail as investigation is still underway.

Having considered the submissions of learned counsel for the parties and having taken note of the aforesaid facts and circumstances and that the petitioner has no criminal antecedent, and as such allegedly only a knife was recovered from him and that his disclosure statement was recorded at 7.10 PM on the same date much after institution of the FIR and his detention, this Court is inclined to release the petitioner on bail on submission of bail bond of Rs.10,000/- with two sureties each of like amount to the satisfaction of the learned Chief Judicial Magistrate, North Tripura, Dharmanagar in connection with Kadamtala PS Case No.2023 KDL 0009 dated 27.03.2023

Petitioner shall report to the local police station on first Monday of every month. Petitioner and his bailors shall submit their mobile numbers and Aadhaar Card and Passport, if any at the time of release.

Bail application is allowed and accordingly disposed of.

(APARESH KUMAR SINGH), CJ

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