

**HIGH COURT OF TRIPURA
AGARTALA**

Crl. Petn. 23 of 2023

Judhisthir Mistri on behalf of accused Sume Afrin and another

..... Petitioner(s)

Versus

State of Tripura

..... Respondent(s)

For Petitioner(s) : Mr. Debajit Biswas, Advocate.

For Respondent(s) : Mr. S. Debnath, Addl. PP.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

03.10.2023

This present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for modification of the conditions applied while granting bail to the accused persons passed by the learned District and Sessions Judge, Court No.1, West Tripura, Agartala in Bail Application No.213 of 2023 dated 24.08.2023 in connection with case No. Airport PS 2023ARP049 dated 15.07.2023 under Section 3 of IPP (Entry into India) Act, 1920 pending before the learned Judicial Magistrate, 1st Class, Court No.4, Agartala, West Tripura.

[2] The fact of the case in brief is that the accused persons were arrested in connection with case No. Airport PS 2023ARP049 dated 15.07.2023 under Section 3 of IPP (Entry into India) Act, 1920 pending before the learned Judicial Magistrate, 1st Class, Court No.4, Agartala, West Tripura and being in custody for a long period, the petitioner on behalf of the two accused persons approached the learned District and Sessions Judge, Agartala, West Tripura under Section 439 of Cr.P.C for granting bail to the accused persons vide Bail Application No.213 of 2023 and in order passed by learned District and Sessions Judge, Court No.1, Agartala, West Tripura, while granting bail to the accused persons, the Court below imposed some conditions for release of the accused persons which according to the petitioner are unbearable, impractical and unjustified. Aggrieved by and dissatisfied with the conditions of bail, the

petitioner approached this Court for modification and relaxation of the conditions of the bail so granted to them.

[3] Heard Mr. Debajit Biswas, learned counsel appearing for the petitioner as well as Mr. S. Debnath, learned Addl. PP appearing for the State-respondent.

[4] Mr. Debajit Biswas, learned counsel appearing for the petitioner submits that the conditions which have been imposed by the Court below while granting bail to the poor accused persons are unbearable, impractical and unjustified. He, therefore, prays for modification and relaxation of the conditions of the bail granted to the accused persons by the Court below.

[5] On the other hand, learned Addl. PP opposes the present petition and urges this Court to dismiss this instant petition.

[6] Heard both the sides and perused the record.

[7] Learned counsel for the petitioner submits that the petitioner, Judhistir Mistri, son of Khhitish Chandra Mistri is a resident of Bengaluru who filed this present petition on behalf of the accused persons and the first accused (A1) namely, Sume Afreen, wife of Imran is his sister and the second accused (A2) namely, Soma, wife of Alamir is the friend of the first accused. To prove his contention that he (petitioner) is the brother of A1, he has not placed any documentary evidence on record.

[8] The argument advanced by the counsel for the petitioner that the accused persons A1 and A2 are residents of India not Bangladesh is not established as nothing has been placed on record to convince this Court that both the accused persons are Indians. Moreover, it is reflected in the cause-title of the instant petition as well as in the FIR that the address of both the accused persons is in Bangladesh. No proof of address has been filed by the petitioner to say that the accused persons are Indians and they have permanent address in India.

[9] It is seen from the order passed by the Court below in Bail Application No.213 of 2023 that while granting bail with conditions, prima facie, it is a case of illegal immigrants found on the land of India and the accused persons are Bangladeshis as per prosecution. Even for a minute, if the bail is granted and they are released, still they continue to be on the land of India without any valid document and such stay needs to be treated as unauthorized stay in India.

However, without going into the merit of this case and with regard to the issue discussed above, this Court is not convinced for relaxation of bail conditions and hence, the petition is dismissed.

In view of the above, this present application stands dismissed. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

Registry to send copy of this order to the District & Sessions Judge, Court No.1, West Tripura.

JUDGE

HIGH COURT OF TRIPURA



Sabyasachi G.

**SABYASACHI
GHOSH**

Digitally signed by SABYASACHI
GHOSH
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सत्यमेव जयते