

HIGH COURT OF TRIPURA
AGARTALA

BA 48 of 2024

Smt. Sangita Debbarma
W/o Shri Pranesh Debbarma,
resident of 14, Ujan Fatikchhera para,
Tulabagan, P.S- Lefunga, District- West Tripura.

..... Applicant(s)

1. Shri Pranesh Debbarma
S/o Shri Nibaran Debbarma

2. Shri Pankaj Debbarma
S/o Shri Nibaran Debbarma,

Both are residents of 23,
Simna Janiacharra, P.S-Sidhai,
District- West Tripura.

..... Custody Accused Persons

Versus

The State of Tripura
(Represented by the Secretary, Home Department),
Government of Tripura, Agartala.

.....-Respondent(s)

For the Applicant(s)	:	Mr. J. Bhattacharjee, Advocate Mr. Sajib Ghosh, Advocate
For the Respondent(s)	:	Mr. Raju Datta, P.P

HON'BLE MR. JUSTICE ARINDAM LODH

Order

24/09/2024

This is an application for granting bail to the accused persons who surrendered being implicated in case no. Special (NDPS) 03 of 2024 in connection with Fatikroy PS case No.2023/FTK/015 for allegedly committing offence punishable under Sections 20(b)(ii)(C)/25/29 of NDPS Act.

Heard Mr. J. Bhattacharjee, learned counsel appearing for the accused persons. Also heard Mr. Raju Datta, learned P.P appearing for the State-respondent.

Mr. Bhattacharjee, learned counsel for the accused persons submitted that for the first time they received a non-bailable warrant issued by the

Special Judge (NDPS), Unakoti District, Kailashahar. On receipt of the said non-bailable warrant, they surrendered before the Court and at present they are in custody. Mr. Bhattacharjee, learned counsel has prayed for granting bail in favour of the accused persons on the ground that their names did not appear in the complaint and for the first time they came to know that they had been implicated with case no. Special (NDPS) 03 of 2024.

Another ground advanced by learned counsel is that the learned Special Judge has committed serious error in law issuing non-bailable warrant on the very first date without issuing summons or bailable warrant. So, on the aforesaid grounds, learned counsel has prayed for granting bail to the accused persons.

On the other hand, Mr. Datta, learned P.P has submitted that the accused persons were well aware of the fact that they were implicated in the present case and for that reason they had prayed for anticipatory bail on 04.07.2023 before this High Court which was registered as ***AB No.10 of 2023*** titled as ***Shri Pranesh Debbarma and Anr. Vs. The State of Tripura.*** A copy of the order dated 04.07.2023 passed in AB No.10 of 2023 has been placed before this Court.

I have perused the order dated 04.07.2023 and find that this Court had rejected the prayer for granting anticipatory bail and directed the accused persons of the anticipatory bail application to surrender before the concerned Court within one week from the date of the order. Thus, it is clear that the accused persons had deliberately suppressed these material facts and have come up before this Court with unclean hands where they have stated that they were not aware of the case and for the first time after filing of the charge-sheet and from the order issuing a non-bailable warrant against them, they came to know that they had been implicated in the instant case.

In view of the above, I am of the opinion that the accused persons committed serious fraud before this Court. Moreover, they deliberately disobeyed the order dated 04.07.2023 passed by the learned Single Judge of this Court. They did not surrender within one week from the date of the order dated 04.07.2023. In view of this, I have taken a serious view and in my opinion, the accused persons are liable to pay a substantial cost for

making attempt to mislead this Court. Accordingly, I impose a cost of Rs.50,000/-(Rupees fifty thousand) to be paid equally by both the accused persons, namely, Shri Pranesh Debbarma and Shri Pankaj Debbarma. Out of Rs.50,000/-, Rs.25,000/- is directed to be deposited to the Tripura Bar Association and the remaining Rs.25,000/- to be deposited in favour of the Tripura High Court Legal Services Authority within a period of 30(thirty) days from today.

Learned Special Judge shall consider the bail of the accused persons on the next date fixed without being influenced by any remarks or comments made by this Court. An endeavour shall also be taken to complete the trial within a period of next 6(six) months.

Accordingly, the instant bail application stands rejected.

JUDGE



Rohit

SANJAY GHOSH
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