

**HIGH COURT OF TRIPURA
AGARTALA
B.A. No.61 of 2024**

Sri Ranjit Debnath on behalf of accused person
Smt. Sutapa Debnath.

-----Applicant(s)

Versus

The State of Tripura.

-----Respondent(s)

For Applicant(s) : Mr. B. N. Majumder, Sr. Adv,
Ms. S. Deb, Adv.

For Respondent(s) : Mr. R. Datta, P.P.,
Mr. S. Ghosh, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

18/11/2024

This bail application under Section 483 of BNSS was filed by the applicant praying for granting bail of the accused namely Smt. Sutapa Debnath who was in custody in connection with R.K. Pur P.S. case No.2024 RKP 0081 registered under Section 103(1)/3(5) of BNS of 2023.

By order dated 08.10.2024 this Court granted interim bail to the custody-accused Smt. Sutapa Debnath till today with a direction to Learned P.P. to produce the case diary.

Heard Learned Senior Counsel, Mr. B. N. Majumder assisted by Learned Counsel, Ms. S. Deb have appeared on behalf of the said accused, Smt. Sutapa Debnath. Learned P.P., Mr. R. Datta along with Learned Addl. P.P., Mr. S. Ghosh also appeared on behalf of the State-respondent. In pursuance of the earlier order, Learned P.P. has produced the case diary today.

Taking part in the hearing, Learned Senior Counsel, Mr. B. N. Majumder on behalf of the accused Smt. Sutapa Debnath first of all drawn the attention of the Court that this

accused was falsely implicated in this case and she was not FIR named and in the meantime another accused Jayanta Saha has been enlarged on bail by order dated 07.10.2024 passed in connection with case No.B.A. 57 of 2024. So, Learned Senior Counsel urged for releasing the accused on bail in any condition.

On the other hand, Learned P.P. appearing on behalf of the State-respondent producing the case diary strongly objected the bail application and submitted that there was sufficient materials showing implication of the accused with the alleged crime and the postmortem report, inquest report clearly indicates that there were multiple injuries inflicted upon the body of the deceased by the present accused along with others for which he succumbed to death. Learned P.P. further submitted that after release on interim bail, the present accused threatened the informant to withdraw the case. So, Learned P.P. urged for cancellation of the bail granted to the accused, Smt. Sutapa Debnath.

Considered.

I have perused the case diary and also heard submission of Learned Counsels of both the sides at length and also perused the record of Learned Court below. After perusal of the relevant prosecution papers, it appears that on the alleged date and time, this present accused and others jointly assaulted the victim for which the victim ultimately succumbed to his injury. I have also perused the inquest report and the postmortem examination report of the deceased which also supports the prosecution case. From the extract of G.D. as annexed with the C.D., it also appears that the present accused

created pressure upon the informant of the case to withdraw the case by exercising their power. As already stated, by order dated 08.10.2024, this present accused was granted interim bail till today.

However, on perusal of the C.D., it is not clear as to how and in what manner this present accused participated in the commission of alleged crime and furthermore, on perusal of the extract of G.D., it appears that based on the oral information, the I.O. submitted that the accused threatened the informant to withdraw the accused without any written allegation or without any strong cogent materials on record.

Situated thus, considering the nature and gravity of the offence, at this stage, I am not inclined to grant regular bail to the accused, Smt. Sutapa Debnath. However, considering the situation, she is further allowed to go on interim bail till 19.12.2024 of her execution of a fresh bail bond of 50,000/- with one surety of like amount to the satisfaction of Learned CJM, Gomati District, Udaipur/Jurisdictional Magistrate on condition to attend I.O. as and when called for, for the sake of investigation, with further condition, not to make any attempt to temper evidence on record of the prosecution, nor she shall leave the jurisdiction of the Court without prior permission of the concerned Jurisdictional Magistrate, in default she will be sent to J/C. The accused shall surrender before the Court of Learned CJM/Jurisdictional Magistrate on 19.12.2024 and on that day, the I.O. shall produce the C.D. and Learned Jurisdictional Magistrate after considering the materials on record shall consider to dispose of the bail application, if filed, on merit.

A copy of this order be sent to Learned CJM/Jurisdictional Magistrate in course of the day.

Send down the LCR accordingly.

Also a copy of this order along with the C.D. be sent back to I.O. through Learned P.P in course of the day for information and compliance.

With this observation, this bail application stands disposed of.

JUDGE



MOUMITA DATTA

Digitally signed by MOUMITA
DATTA
Date: 2024.11.19 10:27:30 +05'30'

Purnita