

**HIGH COURT OF TRIPURA
AGARTALA
BA No.66 of 2024**

Smt. Tahamina Akter on behalf of Accused Sri Rubel Miah & Ors.
-----Applicant(s)
Versus
The State of Tripura
-----Respondent(s)

For Applicant(s) : Mr. A. De, Adv.
For Respondent(s) : Mr. Raju Datta, P.P.,
Mr. S. Ghosh, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT
Order

05/11/2024

Learned Counsel for the applicants, Mr. A. De is present.
Learned P.P., Mr. Raju Datta and Learned Addl. P.P., Mr. S. Ghosh
are present on behalf of the State-respondent.

As per earlier order, Learned P.P. has produced the Case
Diary.

This bail application is filed under Section 483 of BNSS for
releasing the accused-petitioners on bail who are in custody in
connection with KLC P.S. case No.57 of 2024 under Section
127(4)/143(2)/64(2)(m)/351(3)/49 of BNS.

Taking part in the hearing, Learned Counsel for the
petitioners first of all drawn the attention of the Court that the
informant being an illiterate, rustic lady and being biased by her
family members have falsely implicated the petitioners in this case
and furthermore, the informant victim being an aged lady got
married with the accused Rubel Miah long days back and due to
the land dispute, all the accused persons have been falsely
implicated and according to Learned Counsel, the accused persons

are in custody with effect from 14.09.2024. So, considering the period of detention and the nature of false acquisition, the accused petitioners may be released on bail in any condition. More so, the accused Jyotsna Begam is suffering from Cancer.

On the other hand, Learned P.P., Mr. Raju Datta appearing on behalf of the State-respondents along with Learned Addl. P.P., Mr. S. Ghosh strongly objected the application for bail submitted by the accused petitioners and submitted that from the contents of the FIR, it is clear that the accused petitioners have been committed the offence and there is/are serious allegation against them for their involvement with the alleged offence and since the investigation of the case is in progress so at this stage there is no scope to release them on bail and urged for further detention of accused persons in custody.

Considered.

I have perused the relevant prosecution papers and also the Case Diary.

This case was registered on the basis of an FIR laid by the informant that the accused persons are the husbands and in-laws of the informant victim and finding her as innocent they used to cause torture upon her in different manners. On 25.08.2024 in the night at about 10 pm, the accused persons threatened her with dire consequences and keeping her in threat of death arranged to cause physical relation with her forcefully by some other unknown persons and the same episode continued in some other occasions also till 10.09.2024 and due to that illegal act she became seriously ill and sustained injuries to her private part. The accused persons according to the informant without consulting any doctor

threatened her with dire consequences and kept her in confinement in a room and finally left her in front of the residence of her father by a vehicle. Hence, she laid the FIR.

In course of investigation, the IO has produced all the present petitioner accused persons before the Learned Court below on 14.09.2024. In course of investigation, the IO also have examined some witnesses and recorded their statements.

I have also perused the statement of the victim recorded by Magistrate under Section 183(5) of BNSS. From the statement of the witnesses so far collected by IO upto this stage of investigation and also on perusal of the statement of the victim-cum-informant of the case, it appears that the allegations levelled against all the accused petitioners are heinous and serious in nature.

So, considering the nature of allegation at this stage, I feel justification of further detention of the accused petitioners in custody. Hence, the bail application filed under Section 483 of BNSS stands rejected. The accused petitioners have to remain in J/C as before.

It is to be noted here that there was a direction of this High Court for maintaining the Case Diary in proper manner and on perusal of the present Case Diary, it appears that the IO has not maintained the same in pursuance of the direction of the High Court. So, the IO be asked to ensure the maintenance of Case Diary after proper pagination in pursuance of the direction of High Court in letter and spirit.

Send down the LCR along with a copy of this order. Also send down the Case Diary to IO along with a copy of this order through Learned P.P.

With these observation, this bail application is disposed of.

JUDGE



**MOUMITA
DATTA**

Deepshikha

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MOUMITA DATTA
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