

**HIGH COURT OF TRIPURA
AGARTALA
B.A. No.78 of 2024**

Md. Milan Shek & Ors.

-----Accused Persons(s)

Versus

The State of Tripura.

-----Non-Applicant(s)

For Applicant(s)	:	Mr. S. Lodh, Adv.
For Respondent(s)	:	Mr. R. Datta, P.P, Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

30/11/2024

Learned Counsel, Mr. S. Lodh is present for the applicants. Learned P.P., Mr. R. Datta along with Learned Addl. P.P., Mr. Rajib Saha appeared on behalf of the State-respondent.

This application under Section 483(1)(b) of the BNSS is filed for relaxation of the condition of bail granted to the accused-applicants in custody. In course of hearing, Learned Counsel for the applicants submitted that the accused persons were arrested in connection with A.D. Nagar P.S. case No.2024 ADN039 under Section 3 of Passport (Entry into India) Act, 1920 read with Section 14(A)(b) & 14(C) of Foreigners Act, 1946 and they were produced before the Court and by order dated 07.10.2024 they were ordered to be released on bail on their furnishing cash deposit of Rs.2,00,000/- each. After that on their approach by order dated 19.10.2024 Learned Addl. CJM, West Tripura, Agartala further ordered for their release on bail of their furnishing cash deposit of Rs.1,90,000/- each.

Thereafter, again on 21.10.2024 they further approached to the Court for relaxation of the condition of cash deposit granted and accordingly, by order dated 21.10.2024 it was ordered that they may be released on bail of their furnishing cash deposit of Rs.1,70,000/- each.

Learned Counsel at this stage submitted that in all the occasions, the accused-applicants being poor person could not satisfy the conditions of bail. Hence, they are lodging in custody on and from 07.08.2024.

Learned Counsel further submitted that in similar case bearing No.B.A. No.72 of 2024, this Court vide order dated 14.11.2024 has relaxed the conditions of bail granted to the accused persons and this benefit may be extended to the present accused persons of this case.

Per contra, Learned Addl. P.P., Mr. Rajib Saha appeared and submitted that considering the nature and gravity of the offence, the amount may be reduced to Rs.1,00,000/- in cash.

I have also perused the Case Diary and heard the submission of both the sides. The investigation of the case is almost complete. However, the present accused persons are lodging in custody on and from 07.08.2024. On perusal of the nature of the allegation, it appears that the amount of bail fixed by the Learned Court below appears to be unreasonable and higher.

So, considering the facts and circumstances of the case, the condition imposed by Learned Court below by order dated 07.10.2024 is hereby relaxed with modification that the

accused persons in the event of their release on bail shall deposit cash amount of Rs.50,000/- each or they shall execute bail bond of Rs.50,000/- with two sureties of like amount each with condition to attend the Court twice in a week until further order or they shall not leave the jurisdiction of the Court without prior permission of the Court, subject to the satisfaction of the Learned Court below, in default to remain in J/C as before.

Send down the Case Diary to the I.O. through Learned P.P. along with a copy of this order. Send down a copy of this order to the Learned Jurisdictional Magistrate for information and compliance and also a copy of this order be furnished to Learned Counsel for the applicants in course of the day free of cost.

With this observation, this bail application stands disposed of.

JUDGE

**MOUMITA
DATTA**

Purnita

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