

**HIGH COURT OF TRIPURA
AGARTALA
B.A. No.79 of 2024**

Sri Subrata Saha for and on behalf of
Premjit Roy.

-----Applicant(s)

Versus

The State of Tripura.

-----Respondent (Non-applicant)(s)

For Applicant(s) : Mr. Ratan Datta, Adv.

For Respondent(s) : Mr. Raju Datta, P.P,
Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

02/12/2024

Learned Counsel, Mr. Ratan Datta is present for the accused-in-custody. Learned Addl. P.P., Mr. Rajib Saha is present for the State-respondent. As per order of the Court, Learned Addl. P.P. has produced the Case Diary.

This present accused is lodging in custody in connection with Manu Bazar P.S. case No.45 of 2024 under Section 117(2)/3(5) with added Section 103(1) of BNS, 2023.

Taking part in the hearing, Learned Counsel for the accused-in-custody first of all drawn the attention of the Court the FIR on the basis of which this case was registered. Thereafter, he also referred the forwarding report of I.O. dated 17.10.2024, then 21.10.2024 and 29.10.2024 and submitted that no doubt the alleged incident was an unfortunate incident, but there was no involvement of the present accused in custody with the alleged charge for which he is in custody. He further stated that the allegation of custodial torture as alleged by the prosecution is nothing but a false and concocted story and

referring the forwarding reports, he stated that on and from 14.10.2024 to 17.10.2024, the victim was under the custody of the informant. So, the question of custodial torture is totally false and concocted. Learned Counsel referring the forwarding reports further submitted that from the forwarding reports, it appears that the some incident of scuffling took place and some fist and blows were inflicted upon the victim when he caused slapped to the accused-in-custody. So, for that Section 101(a) will not attract in the present case against the accused-in-custody, rather the exception-1 and exception-3 would be applicable for the present accused-in-custody. Learned Counsel also submitted that no sanction was taken before lodging of prosecution case against the accused-in-custody and furthermore, the accused is a young officer and he is newly married and the investigation of the case is almost completed. So, Learned Counsel for the accused-applicant urged for releasing the accused-in-custody on bail in any condition.

On the other hand, Learned Addl. P.P. strongly opposed the bail application and submitted that there are strong materials against the accused-in-custody showing his implication with the alleged crime. So, considering the nature and gravity of the offence, he urged for dismissal of the bail application.

I have heard both the sides at length and perused the Case Diary produced by I.O through Learned P.P. Here in the case at hand the prosecution was set into motion on the basis of an FIR laid by the informant Asha Kumar Tripura to O.C. Manu Bazar P.S. alleging inter alia that on 13.10.2024 at

about 2230 hours, the FIR named accused Rajkumar Tripura physically assaulted his son brutally doubting that he had stolen rubber from the rubber plantation of said Raj Kumar Tripura. In this condition, S.I. Premjit Roy brought his son to the P.S. and after that Constable Raj Kumar Tripura, S.I. Premjit Roy further assaulted to his son, as a result his son became ill and FIR named accused Raj Kumar Tripura send back his son to their house by an auto. Due to illness her son as tortured by the accused person was admitted in Manubazar CHC and as his condition was deteriorated, so, he was referred to Santirbazar District Hospital for better treatment and thereafter, he was further referred to GBP Hospital, Agartala. So, the informant laid the FIR. In course of investigation, the present accused was produced under arrest before the Court on 18.10.2024 and since then he is lodging in custody. In the forwarding reports, it was stated that on 13.10.2024 the accused Premjit Roy was on standby duty at Manubazar P.S. At about 1500 hours G.D. constable informed him that 2 (two) thieves were detained in the house of Rajkumar Tripura (PS Constable) at Kaladepa. Accordingly, he along with 3(three) TSR and one Women constable went to the house of Rajkumar Tripura and found two persons namely Badal Tripura and Chiranjit Tripura are sitting in the courtyard along with some rubber craps in a bag. One sister of Rajkumar told that while they were stealing rubber craps that time Rajkumar and his elder brother along with his nephew went there and caught them red handed along with stolen rubber craps and they brought them in his house and informed the matter to P.S. G.D. constable. S.I. Premjit Roy disclosed

that both the persons were under influence of liquor and he observed some reddish assaulting marks on the body of Badal Tripura but Badal Tripura did not disclose anything about his injuries as he was under the influence of liquor. After arrival at P.S., Rajkumar Tripura informed him over phone that he would not lodge any complaint against them. Then he arrested said Badal Tripura under Section 90(ii) of Tripura Police Act and handed over to G.D. constable for arranging their medical examination.

After medical examination, Badal Tripura and Chiranjit Tripura were brought to P.S. where he found that Badal Tripura was trying to escape from the police at the time of getting down from the vehicle forcibly. Thereafter, he along with SPO Shyamal Das and two other TSR personnel were bringing Badal Tripura towards GD room that time Badal Tripura was violent in mood and making scrupling with the police and he slapped S.I. Premjit Roy. On seeing that, accused persons SPO- Shyamal Das, SPO- Raingya Mog and SPO- Thailachai Mog have given some slapped to him and then taken to GD room. In the GD room, while the accused tried to keep the deceased Badal Tripura inside the lockup, that time said Badal Tripura started scuffling with them for not going inside the lockup. That time, the accused individually assaulted him by fist and blows and lathi, however, he was kept in lockup.

During investigation, the I.O. also procured the video footage of CCTV as installed in the police station, from which it appears that he was also assaulted therein by the accused persons on that relevant point of time. The point as raised by

Learned Counsel for the accused-in-custody is a matter of fact to be decided in course of trial, not during the stage of investigation.

So, considering the materials on record, at this stage, I find no scope to release the accused on bail. The bail application stands rejected. The accused is to remain in J/C as before. Send down the LCR along with a copy of this order. Also send down the Case Diary to I.O. though Learned P.P. along with a copy of this order.

With this observation, this bail application stands disposed of.

JUDGE



**MOUMITA
DATTA**
Purnita

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DATTA
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