

**HIGH COURT OF TRIPURA
AGARTALA
B.A. No.80 of 2024**

Sri Dinesh Debnath for and on behalf of
accused Sri Supankar Debnath @ Subhankar.

-----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 P.P., Mr. Raju Datta is present for the State-respondent and also has produced the Case Diary along with the report of the Prison Authority. Also received the LCR.

The accused was arrested in connection with Ambassa P.S. case No.2024/ABS/036 under Section 22(C)/21(C)/25/29 of NDPS Act and also under Section 324(1)/281 of BNS, 2023 and under Section 184 of the M.V. Act and was produced before the Court under arrest on 11.08.2024 and since then lodging in custody.

Taking part in the hearing, Learned Counsel for the accused-in-custody first of all drawn the attention of the Court referring the FIR, other relevant prosecution papers and also the connected relevant annexures, i.e. Annexure-5, Annexure-6, Annexure-7 and Annexure-8 etc and submitted that his surgery was done on 27.09.2024 but the accused-in-custody could not

be cured, so, the State Standing Referral Medical Board on 05.11.2024 advised for shifting him to Apollo Hospital, Chennai for his further better management.

Learned Counsel further submitted that inspite of that no step is taken on behalf of the State for referral of the accused-in-custody to outside State and gradually the position of the accused-in-custody deteriorating and if by this time, the accused is not shifted to outside State, in that case his life will be in danger and it is also submitted that there is no immediate chance of shifting him by the State. So, considering the situation, Learned Counsel urged for releasing the accused atleast on interim bail for a certain period for the purpose of his treatment. As directed by this Court, Learned P.P. was asked to obtain the latest health status of the accused in custody. In pursuance to that, the Deputy Superintendent, Kendriya Sansodhanagar has submitted a report. In the report it is mentioned that the concerned Learned Special Judge has also directed to take necessary steps for urgent medical treatment of the accused-in-custody and on 18.11.2024, the Inspector General of Police has been requested to provide necessary escort for guarding the said patient prisoner for to and fro journey and also to arrange the accommodate in the nearby Jail/Correctional Home at Chennai, Tamilnadu and for the purpose of his shifting, a sum of Rs.10,00,000/- should be required at Apollo Hospital.

It is further submitted that on 29.11.2024 the Medical Officer of Kendriya Sansodhanagar Hospital, Bishalgarh has submitted one minute regarding his present health status

and opined that, "on clinical examination swelling present in his left ankle with discharging sinus, so the disease hasn't been recovered and it still persists. He is getting all the supportive treatment from the Kendriya Sansodhanagar Hospital and his health condition is not stable and he is not unable to attend the Court."

Referring the report, Learned P.P. submitted that since the State has taken necessary steps for treatment of the accused-in-custody, so, at this stage, there is no scope to release the accused on interim bail.

In course of hearing, Learned Counsel for the applicant referred two separate orders of the High Court, in connection with B.A. No.42 of 2024 dated 14.06.2021 and order dated 11.09.2023 in connection with B.A. No.20 of 2023 and referring the same, he stated that in both the cases bail were granted considering the condition of the accused. Similarly, he also referred the citation dated 07.07.2023 of the Hon'ble Supreme Court in connection Special Leave to Appeal (Crl.) No.4862/2023 reported in (2023) SCC OnLine SC 840 and referring the same, Learned Counsel urged for releasing the accused on bail in any condition.

I have heard submission of both the sides at length and perused the Case Diary and also the report of Deputy Superintendent of IG of prisons and the citations referred by the Learned Counsel for the accused person-in-custody. From the report of the report of the Deputy Superintendent of IG of prisons, it appears that the State has already taken steps for shifting of the accused-in-custody outside the State, although

no specific time is mentioned in the said report. But at the same time, it is also true that the accused needs immediate treatment for his recovery outside the State in pursuance of the reference of the Standing Medical Board.

So, considering the facts and circumstances of the case and also the fact that the State has taken steps for shifting of the accused, at this stage, I find no scope to release the accused on interim bail. Hence, the bail application filed stands rejected being devoid of merit. The accused is to remain in J/C as before. However, considering the physical condition of the accused-in-custody, it is expected that State shall take all endeavour to shift the accused-in-custody within a period of 15 days from today for his further better treatment with proper care and escort and to submit a report to the concerned Learned Jurisdictional Special Judge, in this regard, in the event of sending the accused-in-custody to outside State.

Let a copy of this order be sent to the Deputy Superintendent of Police, Kendriya Sansodhanagar through Learned P.P. A copy of this order also be communicated to the I.O. of this case through Learned P.P. along with the Case Diary. Also send back the Case Record to the Learned Special Judge along with a copy of this order.

With this observation, this bail application stands disposed of.

JUDGE

MOUMITA
DATTA
Purnita

Digitally signed by MOUMITA
DATTA
Date: 2024.12.03 14:33:57 +05'30'