

**HIGH COURT OF TRIPURA
AGARTALA
B.A. No.85 of 2024**

Sri Ajoy Debnath

S/O- Late Sanjit Debnath,
Resident of Khamarbari S.B. School,
Madhya Debendra Nagar,
PO- Champaknagar, PS- Jirania, West Tripura

.....Applicant

For and on Behalf of the accused person

Sri Bijoy Debnath @ Kudu,

S/O- Lt. Sanjit Debnath
Resident of Khamarbari, Ward No.-03,
Champak Nagar, PS- Jirania, West Tripura

....Accused person

Versus

The State of Tripura

...Respondent (Non-applicant)

For Applicant(s)	:	Mr. B. N. Majumder, Sr. Adv, Mr. J. Chakraborty, Adv, Mr. K. Deb, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

17/12/2024

This bail application under Section 483 of BNSS, 2023 is filed on behalf of the accused-in-custody, Sri Bijoy Debnath @ Kudu. The said accused Bijoy Debnath is lodging in custody on and from 22.10.2024 in connection with Jirania P.S. case No.2024JRN033 under Section 103/3(5) of BNS, 2023.

Heard Learned Senior Counsel, Mr. B. N. Majumder assisted by Learned Counsel, Mr. J. Chakraborty and Learned Counsel, Mr. K. Deb appearing on behalf of the accused-in-custody and also heard Learned P.P., Mr. R. Datta appearing on behalf of the State-respondent.

Taking part in the hearing, Learned Senior Counsel first of all drawn the attention of the Court, the contents of FIR and submitted that in this case the FIR was unknown and in course of investigation, the police caused arrest of the accused and he has been falsely implicated in this case. Learned Senior Counsel further drawn the forwarding report of I.O. dated 25.11.2024 and submitted that in the forwarding report it was specifically stated by I.O. that in course of interrogation, the accused-in-custody stated that on the alleged day, the accused Pranati Debnath called him to her house and accordingly, he went therein when the accused assisted the principal accused to dispose of the dead body. Referring the said contents of the forwarding report, Learned Senior Counsel submitted that if this allegation appears to be *prima facie* correct, in that case, against this present accused, the offences punishable under Section 238 of BNS only can be established. So, considering the materials on record and also the period of detention of the accused-in-custody, Learned Senior Counsel urged for releasing the accused on bail in any condition.

On the other hand, Learned P. P., Mr. Raju Datta appearing on behalf of the State-respondent produced the Case Diary and submitted that there is materials against the accused-in-custody showing his implication with the alleged offence and the other accused persons are still languishing in jail for which Learned P. P. urged for dismissal of the bail application as the investigation of the case is in progress.

Considered.

I have heard submission of both the sides at length and perused the relevant prosecution papers including the Case Diary. Here in the case at hand, the prosecution was set into motion on the basis of an FIR laid by one Mohanbasi Debnath to O/C Jirania P.S. alleging inter alia that on 28.09.2024 in the evening at about 7.30 p.m. at Champaknagar Bazar, the informant could know from his nephew namely Sri Biplab Debnath that his sister, Minati Debnath was set in fire. After hearing the information, he immediately rushed to the residence of his sister and found that his sister on the back side of the dwelling hut was tied up with a papaya tree and succumbed to death due to fire. It was further stated that somebody tied up the body of his sister with papaya tree and caused death of his sister by setting fire. Further according to him, due to family dispute she was murdered. On the basis of that FIR, the case was registered by O/C, Jirania P.S. and the investigation started. In course of investigation, the I.O. caused arrest of the two sons, namely Ranabir Debnath and Biplab Debnath of the deceased and the daughter-in-law, Smt. Pranati Debnath in connection with this case and they were produced before the Court and presently they are in custody. The I.O. also in course of investigation caused arrest of accused-in-custody and produced him before the Court as stated earlier.

In course of investigation, the I.O. has recorded the statement of some of the witnesses in connection with this case. From the statement of witnesses so far after collected by I.O. upto the stage of investigation, it appears that there is no evidence on record that the present accused-in-custody directly

participated in the commission of crime i.e. caused death of the deceased but he assisted to dispose of the body of the deceased which in the considered opinion of the Court attracts the provision of Section 238 of BNS.

So, considering the materials on record and the period of detention of the accused-in-custody, I am of the considered opinion to release the accused Bijoy Debnath on bail of his execution of bond of Rs.50,000/- with one surety of like amount to the satisfaction of Learned CJM, West Tripura, Agartala on condition that the accused shall appear before I.O. once in a week until further order and he shall not make any attempt to temper the evidence on record of the prosecution nor the accused shall leave the jurisdiction of the Court without prior permission of the Learned Jurisdictional Magistrate, i.d. to remain in J/C as before.

Send down the LCR along with a copy of this order. Also return back the Case Diary to I.O. through Learned P. P. along with a copy of this order. A copy of this order also be supplied to Learned Senior Counsel for the accused-in-custody for information and compliance.

With this observation, this bail application stands disposed of.

JUDGE

**MOUMITA
DATTA**

Purnita

Digitally signed by
MOUMITA DATTA
Date: 2024.12.17 17:07:24
+05'30'