

**HIGH COURT OF TRIPURA  
AGARTALA  
B.A. No.9 of 2025**

**Bina Dhar aged about 59 Years**  
Wife of Pradyut Dhar Chowdhury,  
Resident of Usha Bazar,  
Chhinaihani Airport, Agartala, West Tripura

**.... Petitioner**

**ON BEHALF OF THE ACCUSED PERSONS**

**Shri Pradyut Dhar Chowdhury**  
S/O. Lt. Adhir Dhar Chowdhury,  
Resident of Usha Bazar P.S. Airport,  
Agartala, Tripura West.

**.... Accused Person**

**Versus**

**The State of Tripura,**  
Represented by the Secretary  
To the department of Home,  
New Secretariat Complex,  
P.S.-N.C.C. District- West Tripura.

**.....Respondent**

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|-------------------|---|--------------------------------------------------------------------------------------------|
| For Applicant(s)  | : | Ms. Ayantika Chakraborty, Adv.<br>Mr. Soumyadeep Saha, Adv.                                |
| For Respondent(s) | : | Mr. Raju Datta, P.P.<br>Mr. Bibhal Nandi Majumder, Spl. P.P.<br>Mr. Sankar Lodh, Spl. P.P. |

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**HON'BLE MR. JUSTICE BISWAJIT PALIT**

**Order**

**10/03/2025**

This application is filed under Section 439 of Cr.P.C. for releasing the accused Sri Pradyut Dhar Chowdhury in connection with Airport P.S. Case No.37 of 2024 under Section 302/120(B) of IPC read with Section 27 of the Arms Act on bail.

Heard Learned Counsel Ms. Ayantika Chakraborty appearing on behalf of the accused-in-custody along with Learned Counsel Mr. Soumyadeep Saha. Also heard Learned Special P.P. Mr.

Bibhal Nandi Majumder along with Learned Special P.P. Mr. Sankar Lodh appointed by the State to represent the State-respondent. Further heard Learned P.P. Mr. Raju Datta appearing on behalf of the State-respondent.

Taking part in the hearing, Learned Counsel Ms. Ayantika Chakraborty drawn the attention of the Court that this accused was initially taken into custody on 01.05.2024 and after that on the ground of sudden demise of his mother he was released on interim bail by order dated 11.11.2024 passed by Learned Sessions Judge, West Tripura, Agartala in connection with Bail Application No.233 of 2024 and by the said order a direction was given to surrender before the Learned Court of CJM, West Tripura, Agartala on 30.11.2024 at about 10.30 am. But the accused due to his sudden illness could not surrender rather due to sudden chest problem he had to attend AGMC and GBP Hospital, Agartala but as his condition become deteriorated because he was suffering from chronic diabetic, heart disease and problem of eyes, he had to leave for Kolkata and prior to that he approached to the Learned Court below but could not obtain any permission so he could not surrender in time and finally police rearrested him again on 15.02.2025 from AGMC and GBP Hospital in course of his treatment, since then he is lodging in custody.

It was further submitted that during that period he also approached for anticipatory bail but that was not considered by Learned Sessions Judge, West Tripura, Agartala by order dated 07.01.2025 in connection with Case No.B.A. No. 01 of 2025.

Learned Counsel Ms. A. Chakraborty further submitted that in similar other matters, other two accused persons namely Uma Sarkar and her mother were granted bail by the Learned Court. Uma Sarkar was granted bail by Learned Sessions Judge, West Tripura,

Agartala by order dated 07.09.2024 in connection with B.A. No.173 of 2024. Learned Counsel further submitted that the accused-in-custody although FIR named but there was no allegation against him. Just on the basis of phone calls he was taken into custody in connection with this case and as he is suffering from prolong illness and the case is not yet been committed as by this time the I.O. has laid charge-sheet. So, she urged for releasing the accused on bail in any condition and also relied upon one citation of the Hon'ble Apex Court reported in **(2021) 2 SCC 427** [titled as **Arnab Manoranjan Goswami versus State of Maharashtra and others** dated **27.11.2020**] wherein in para Nos.69 and 70, the Hon'ble Apex Court observed as under:-

"69. It would be apposite to extract the observations made, albeit in a dissenting opinion, by one of us (Dhananjaya Y. Chandrachud, J.) in a decision of a three-Judge Bench in *Romila Thapar v. Union of India*:(2018) 10 SCC 753: (SCC p. 796, para 79)

"79. ...[T]he basic entitlement of every citizen who is faced with allegations of criminal wrongdoing, is that the investigative process should be fair. This is an integral component of the guarantee against arbitrariness under Article 14 and of the right to life and personal liberty under Article 21. If this Court were not to stand by the principles which we have formulated, we may witness a soulful requiem to liberty."

The decision was a dissent in the facts of the case. The view of the leading majority judgment is undoubtedly the view of the Court, which binds us. However, the principle quoted above is in line with the precedents of this Court.

70. More than four decades ago, in a celebrated judgment in *State of Rajasthan v. Balchand*:(1977) 4 SCC 308, Krishna Iyer, J. pithily reminded us that the basic rule of our criminal justice system is "bail, not jail". The High Courts and courts in the district judiciary of India must enforce this principle in practice, and not forego that duty, leaving this Court to intervene at all times. We must in particular also emphasise the role of the district judiciary, which provides the first point of interface to the citizen. Our district judiciary is wrongly referred to as the "subordinate judiciary". It may be subordinate in hierarchy but it is not subordinate in terms of its importance in the lives of citizens or in terms of the duty to

render justice to them. High Courts get burdened when courts of first instance decline to grant anticipatory bail or bail in deserving cases. This continues in the Supreme Court as well, when High Courts do not grant bail or anticipatory bail in cases falling within the parameters of the law. The consequence for those who suffer incarceration are serious. Common citizens without the means or resources to move the High Courts or this Court languish as undertrials. Courts must be alive to the situation as it prevails on the ground- in the jails and police stations where human dignity has no protector. As Judges, we would do well to remind ourselves that it is through the instrumentality of bail that our criminal justice system's primordial interest in preserving the presumption of innocence finds its most eloquent expression. The remedy of bail is the "solemn expression of the humaneness of the justice system's Tasked as we are with the primary responsibility of preserving the liberty of all citizens, we cannot countenance an approach that has the consequence of applying this basic rule in an inverted form. We have given expression to our anguish in a case where a citizen has approached this Court. We have done so in order to reiterate principles which must govern countless other faces whose voices should not go unheard."

Relying upon the same, she submitted that since the co-accused has been granted bail so parity may also be followed in this case in deciding bail of this accused.

Per contra, Learned Special P.P. Mr. S. Lodh appearing on behalf of the State-respondent referring the order dated 11.11.2024 delivered by Learned Sessions Judge, West Tripura, Agartala in connection with B.A. No.233 of 2024 drawn the attention of this Court that by the said order Learned Sessions Judge at the time of granting interim bail clearly observed that the accused shall not leave the jurisdiction of his residence at Usha Bazar without prior permission of the OC, Airport P.S. But there is no evidence on record from the side of the accused that he approached to the OC, Airport P.S. before proceeding towards Kolkata. Rather he approached to the Court of Learned CJM that is why no effective order would be passed.

Learned Special P.P. further submitted that he has misused the conditions of bail and referring the annexures submitted

by Learned Counsel for the accused-in-custody, Learned Special P.P. Mr. Lodh submitted that from the medical papers annexed with the bail application it appears that the accused himself refused to take admission in AGMC and GBP Hospital, Agartala and also from other connected papers, it is clear that the condition of accused was not so critical and serious which compelled him to leave the station or since the accused complaint of some diabetic and other heart diseases but those problems were apparent prior to his taking into custody and furthermore he went to Kolkata to consult eye at Sankara Nethralaya and Narayana Hospital for treatment of heart. So, on the basis of those medical papers, there is no scope to give him any scope the privilege of granting bail and furthermore according to Learned Special P.P. Mr. S. Lodh due to his non-appearance, the case could not be committed in time as the IO in this case has submitted charge-sheet.

Supporting the contention of Learned Special P.P. Mr. B. N. Majumder also strongly argued opposing the bail application filed by the accused-in-custody and submitted that the accused is FIR named but during investigation the I.O. collected such materials which shows his implication with the alleged offence and furthermore considering the nature and gravity of the offence if at this stage the accused is released on bail, the trial would be delayed and there is likelihood of tampering evidence on record of the prosecution or threatening the witnesses. Furthermore, Learned Special P.P. also drawn the attention of the Court that this is a clear case of violation of privilege of bail granted to the accused. So, at this stage there is no scope to release him on bail.

Learned P.P. Mr. Raju Datta reiterates the submission made by Learned Special P.P. Mr. S. Lodh and urged for dismissal of the bail application.

I have heard both the sides and perused the bail application and the connected documents annexed with the bail application including the medical papers. It appears to this Court that the case is at the stage of commitment. However, it is the admitted position that this accused was granted interim bail by order dated 11.11.2024 delivered by Learned Sessions Judge, West Tripura, Agartala in connection with B. A. No.233 of 2024. It is also on record that the accused failed to surrender before the Learned Court below within the stipulated period on the ground of his illness. It is also on record that he left the station without prior intimation/permission of the OC, Airport P.S. Thus, it appears that he violated the order of bail granted by the Learned Sessions Judge, West Tripura, Agartala. Although he was later on arrested by police and his bail applications were rejected.

From the materials on record, it appears that although the accused is directly FIR named but during investigation the I.O. has procured some materials through which his involvement cannot be ruled out at this stage. The plea taken by Learned Counsel Ms. A. Chakraborty that the case of the accused is related to case of the another co-accused Pratima Sarkar for which the accused may be given the same benefit. But on perusal of the record it appears that the involvement of that accused is totally different from the present accused. So, considering the materials on record at this stage, I find no scope to release the accused on bail. Hence the bail application filed by the applicant stands rejected.

Since the case is case at the stage of commitment so Learned CJM or the Jurisdictional Magistrate shall take all endeavour to commit the case to the concerned Court of Learned Sessions Judge, West Tripura, Agartala at an earliest keeping it in mind that the accused is in custody. The accused is to remain in J/C as before.

Superintendent, Kendriya Sansodhanagar, Bishalgarh shall extend all cooperation to the accused, in case the accused complains of any medical urgency.

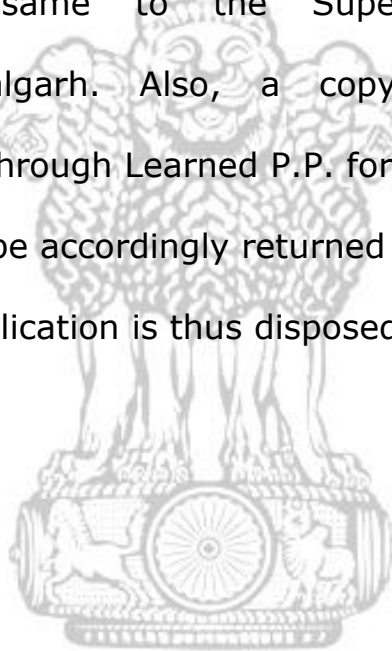
Send down the LCR along with a copy of this order.

Supply a copy of this order to Learned P.P. for communicating the same to the Superintendent, Kendriya Sansodhanagar, Bishalgarh. Also, a copy of this order be communicated to I.O. through Learned P.P. for information.

Case Diary be accordingly returned back.

The bail application is thus disposed of.

**JUDGE**



सत्यमेव जयते

**MOUMITA  
DATTA**

Digitally signed by  
MOUMITA DATTA

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