

**HIGH COURT OF TRIPURA
AGARTALA**

B.A. No.10 of 2025

Jantu Das Age-29 Years,
S/O Sri Joggeswar Das
Resident of Bhairab Nagar
Uttar Srirampur, P.S. – P.R. Bari,
District-South Tripura

.... Petitioner

ON BEHALF OF THE ACCUSED PERSONS

- 1. Shri Pradip Nama alias Gontu age – 52 Years,**
Son of Shri Binod Behari Nama
Resident of North Shree Ram Pur Chattakola,
P.S.- P.R. Bari, South Tripura.
- 2. Shri Jogeshwar Das age- 53 Years,**
Son of Lt. Nishi Kannta Das
Resident of Bhairav Nagar,
Das Para, P.S. – P.R. Bari,
South Tripura.
- 3. Shri Bishu Ranjan Das age 50 Years,**
Son of Shri Subal Chandra Das,
Das Para,P.S. – P.R. Bari,
South Tripura.
- 4. Shri Babul Chandra Das alias Hotel Babul, age- 51 Years,**
Son of Lt. Kiran Chandra Das
Resident of Chottakhola, Bazar tilla,
P.S.-P.R. Bari, South Tripura.
- 5. Sri Pinku Podder age- 49 Years,**
Son of Lt. Jagadish Poddar
Resident of Chottakhola, P.S.- P.R. Bari,
South Tripura

.... Accused Persons

Versus

- 1.The State of Tripura,**
Represented by the Secretary
To the department of Home,
New Secretary Complex,
Agartala, West Tripura.
- 2. Pallabi Shil,**
D/O:- Badal Ch. Shil
Resident of Chottakhola
P.O.- Chottakhola
P.S.- P.R Bari
District – South Tripura

.....Respondents.

For Applicant(s)	:	Mr. Debalay Bhattacharya, Sr. Adv. Ms. Ayontika Chakraborty, Adv. Mr. Samar Das, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P. Mr. Rajib Saha, Addl. P.P. Mr. Purusuttam Roy Barman, Sr. Adv. Mr. Samarjit Bhattacharjee, Adv.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

07/03/2025

This is an application for bail for releasing of the accused persons in custody under Section 483 of BNSS 2023 who are lodging in jail in connection with P.R.Bari P.S. case No. PRB No.30 of 2024 under Section 118(2)/109(1) of BNS 2023 corresponding to ST(Type-I) 35 of 24.

Heard Learned Senior Counsel Mr. Debalay Bhattacharya assisted by Learned Counsel Ms. Ayontika Chakraborty and Learned Counsel Mr. Samar Das appearing on behalf of the accused persons in custody and also heard Learned P.P. Mr. Raju Datta appearing on behalf of the State-respondent and further heard Learned Senior Counsel Mr. Purusuttam Roy Barman assisted by Learned Counsel Mr. Samarjit Bhattacharjee appearing on behalf of the respondent No.2 that is the victim.

Taking part in the hearing Learned Senior Counsel for the petitioners accused in custody first of all drawn the attention of the Court referring the initial suo moto complaint laid by one SI Rupendra Debbarma of Srirampur O.P. to O.C P.R. Bari Police Station dated 13.07.2024 and referring the same Learned Senior Counsel submitted that the said initial FIR was unnamed.

Thereafter on 14.07.2024, another FIR was laid by the informant cum victim Pallabi Shil which was entered in said P.R. Bari Police G.D. No.9 dated 14.07.2024 and referring the same Learned Senior Counsel submitted that the subsequent complaint /ejahar was nothing after thought to manufacture a case against the accused persons due to political influences.

Learned Senior Counsel further submitted that by this time the I.O. has laid charge-sheet against all the accused persons in custody and trial has been commenced. But out of 45 numbers of witnesses only 15 witnesses have been examined by the prosecution and there is no chance of absconsion of the accused persons if they are released on bail and there is no allegation against them that they may temper the evidence on record of the prosecution or there is chance of their absconsion and furthermore, one of the accused Amal Chandra Das by this time has been released on bail. So considering the period of detention of the accused persons in custody Learned Senior Counsel urged for releasing the accused persons on bail in any condition to conduct their defence properly.

On the other hand, Learned P.P. appearing on behalf of the State-respondents vehemently opposed the bail application submitted by the accused persons in custody and submitted that in this case chargesheet was submitted within time and by this time the prosecution has adduced 15 numbers of witnesses. From the evidence on record of the said witnesses it is crystal clear that they are/were directly involved with the alleged murder of the deceased and if at this stage they are released on bail they will

threaten the witnesses of the prosecution and ultimately the trial would be vitiated. So, for ends of justice Learned P.P. strongly opposed the bail application with further prayer to pass an order for custodial trial of the accused persons in custody and urged for dismissal of the said.

Learned P.P. also referred one citation of the Hon'ble Supreme Court of India reported in **Munilakshmi vs. Narendra Babu and Anr.** reported in **2023 SCC OnLine SC 1380** wherein para number 24 and 25 Hon'ble the Apex Court observed as under:-

"24. In Vipin Kumar Dhir v. State of Punjab and Anr.5, this Court explained the impact of supervening circumstances developing post the grant of bail, such as interference in the administration of justice, abuse of concession of bail, etc., which are aversive to a fair trial and would warrant cancellation of bail.

25. Applying these parameters to the facts and circumstances of the case in hand, we are satisfied that there is a *prima facie* proximity between the grant of bail to Respondent No.1 and an emboldening opportunity for him to win over the witnesses. Respondent No.1, therefore, does not deserve to enjoy the concession of bail at least until all the crucial witnesses are examined. The privilege of liberty extended to him, thus, deserves to be withdrawn for an effective, fair, just and unbiased conclusion of trial."

Referring the same Learned P.P. further drawn the attention of the Court that considering the nature and allegation of the prosecution at this stage there is no scope to release the accused persons on bail.

Learned Senior Counsel Mr. P. Roy Barman appearing on behalf of the victim cum informant drawn the attention of the Court that the de-facto complainant had submitted her objection and in para number 9 of the objection it is stated that there is direct allegation against the accused persons in custody and most of the witnesses are yet to be examined and if at this stage they are released on bail, the entire trial would be vitiated.

Learned Senior counsel also submitted that from the statement of the victim and the evidence on record also reveals the involvement of the accused persons in custody and the evidence on record also discloses their involvement with the alleged offence. So Learned Senior Counsel strongly urged for dismissal of the bail application.

I have heard the rival parties at length and also perused the record of the Learned Trial Court below. It the admitted position that in this case trial has been commenced and up to this stage prosecution has adduced 15 numbers of witnesses out of 45 numbers of witnesses. The allegation in the initial FIR laid by SI Rupendra Debbarma was that on 12.07.2014 at about 18.10 hrs. when the said SI along with staff were performing patrolling duty at Chottakhola, Ekinpur area that time near Chottakhola Maitree park near the Bazar they found one person lying on the road. After that the injured was shifted to Chottakhola PHC for better treatment. The family members appeared therein and after providing first aid he was referred to District Hospital, Shantirbazar and according to him the victim sustained sharp cutting injury. During shifting the injured victim was asked about the incident but he did not say anything about it. So he requested the family members to lodge complaint when they submitted that they would submit it later on and after that on 14.07.2024 the daughter of the victim Pallabi Shil laid an ejahar which was tagged with the record later on alleging *inter alia* that on 12.07.2024 at about 06.00 pm she herself and her father came to Chottakhola market for the purpose of purchasing of medicines of her mother

and when they reached nearby the medicine shop at market at about 06.20 pm that time Pinku Podder, Manoranjan Tripura, Amal Das, Pradip Nama, Bishu Das, Babul Das alias Hotel Babul, Joggeshwar Das jointly assembled therein armed with dao, lathi and wooden piece etc. suddenly attacked upon her father. That time her father to save herself rushed towards the northern side of the market. She also tried to escape from that place and concealed herself in a bush and noticed that the aforesaid persons indiscriminately attacked her father and after committing the offence they fled away. Due to attack her father sustained severe injuries and thereafter she rushed to her father when he disclosed their names and after that the police came and her father was brought to Chottakhola Hospital from where he was referred to Shantir Bazar Hospital and from Shantir Bazar Hospital her father was again referred to GBP Hospital at Agartala and on 13.07.2024 at about 02.30 pm her father succumbed to his injury.

In course of investigation the accused persons in custody were arrested and they were produced before the Court on different dates and later on, the IO laid chargesheet against 7 accused persons namely Pinku Podder, Pradip Nama, Manoranjan Tripura, Amal Chandra Das, Joggeshwar Das, Bishu Das, Babul Das within time and cognizance of offence was taken under Section 118(2)/109(1)/103(1)/3(5) of BNS by order dated 10.12.2024. The case was committed to the Court of Learned Sessions Judge, South Tripura, Belonia and by this time trial has commenced and prosecution up to this stage has adduced in total 15 numbers of witnesses as already stated.

I have gone through the entire case record of the Learned Court below including the evidence on record. The accused persons in custody are FIR named and there was/is direct allegation against them showing their involvement with the alleged offence as because they directly participated in the commission of murder of the deceased and also from the evidence on record recorded up to this stage by the Learned Court below it appears that there is direct allegation against them showing their involvement with the offence alleged.

In this regard, I would like to refer one citation of the Hon'ble Supreme Court of India in **Sudha Singh Vs. State of Uttar Pradesh and Another** reported in **(2021) 4 SCC 781**.

Hon'ble the Apex Court in para No.10 observed as under:-

"10. In *Prasanta Kumar Sarkar v. Ashis Chatterjee* (2010) 14 SCC 496, it was held that this Court ordinarily would not interfere with a High Court's order granting or rejecting bail to an accused. Nonetheless, it was equally imperative for the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the ratio set by a catena of decisions of this Court. The factors laid down in the judgment were:

- (i) Whether there was a prima facie or reasonable ground to believe that the accused had committed the offence;**
- (ii) nature and gravity of accusations;**
- (iii) severity of the punishment in the event of a conviction;**
- (iv) danger of the accused absconding or fleeing, if granted bail;**
- (v) character, behavior, means, position and standing of the accused;**
- (vi) likelihood of repetition of the offence;**
- (vii) reasonable apprehension of the witnesses being influenced; and**
- (viii) danger of justice being thwarted by grant of bail."**

So considering the facts and circumstances of this case and also the principle of law laid down by the Hon'ble Apex Court in the aforementioned case I do not find any scope to release any of the accused persons on bail at this stage. Hence, the bail application filed by the accused person stands rejected. The accused persons are to remain in JC as before. Learned Trial Court shall all

endeavour to dispose of the case giving priority keeping it in mind that the accused persons are lodging in jail.

With this observation this bail application stands disposed of.

Send down the LCR along with a copy of this order also supply a copy of this order to the Learned P.P. for onward transmission of the same to the I.O. of this case.

JUDGE

**MOUMITA
DATTA**

Amrita

Digitally signed by
MOUMITA DATTA
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