

**HIGH COURT OF TRIPURA
AGARTALA**

A.B. 24/2025

Sri Jagu Debnath

-----Applicant(s)

Versus

The State of Tripura

-----Respondent(s)

For Applicant(s) : Mr. P. Biswas, Advocate

For Respondent(s) : Mr. R. Saha, Addl. PP

HON'BLE MR. JUSTICE ARINDAM LODH
Order

19/03/2025

Heard Mr. P. Biswas, learned counsel appearing for the applicant. Also heard Mr. R. Saha, learned Additional PP appearing for respondent-State.

This is an application filed under section 482 of the BNSS, 2023 for granting anticipatory bail to the applicant in connection with Belonia PS case No. 88 of 2024 registered under Sections 126(2), 118(2) of the BNS, 2023.

As per the prosecution story, one Smt. Laxmi Debnath lodged a written complaint with the Officer-in-Charge of Belonia police station alleging *inter alia* that on 13.12.2024 at about 11.30 hours when her husband, namely, Nikunja Bihari Debnath was returning to his house after collecting rubber latex, at that time, the applicant restrained her husband and assaulted him by using a sharp machete (dao) and axe and as a result of said attack, the husband of the complainant sustained grievous injuries on his head and other body parts and became unconscious. Thereafter, after seeing this, one Pran Krishna Dey @ Jhutan Dey immediately informed her about the incident and the informant alongwith other relatives rushed to the place of occurrence and shifted her husband to Belonia Sub-Divisional hospital with the help of other local people and subsequently the husband of the informant was referred to Santirbazaar District hospital and upon seeing his condition, he was further referred to GBP hospital for treatment. The O/C, Belonia PS registered the said complaint as FIR dated 17.12.2024 vide Belonia PS case no. 88 of 2024 under Sections 126(2), 118(2) of the BNS, 2023. On receipt of the complaint, investigation was started and during the process of investigation, the I.O. recorded the statements of the available witnesses including the near relatives of the injured person.

Mr. Biswas, learned counsel appearing for the applicant, has submitted that the applicant is apprehending police arrest in connection with the instant

case. Mr. Biswas, learned counsel has further submitted that there is a long standing dispute between the complainant and the applicant-accused regarding land and property and the said dispute is going to be reconciled.

Mr. R. Saha, learned Additional PP has produce the case diary and has opposed the bail prayer.

I have perused the case diary including the injury report.

I have given my thoughtful consideration to the ingredients embodied in Section 118, 126 together with Section 122 of the BNS, 2023. True it is, the injured person is the full blooded brother of the accused-applicant. There was long standing dispute between them. Most important thing is that the injured person is alive and he is physically fit to depose before the court during the course of trial. He is the injured eye-witness. Considering the nature of the injuries caused to the victim, the imprisonment may be of one year, less than one year or may be more than one year, if the allegation leveled against the applicant is proved after trial. I have also seen that a prayer has been made by the I.O. that interrogation of the accused-applicant is necessary for recovery of the weapons of offence.

I have considered this aspect also. I have also kept in mind while hearing the instant application that the dispute may be reconciled at any time between the brothers i.e. the applicant and the injured victim.

Prima facie, I have reasonable belief that the accused-applicant had no intention to cause any grievous hurt to the injured-victim. However, it will be considered at the time of trial and the matter is left before the trial court.

Having regard to the entire facts and circumstances, I am inclined to grant anticipatory bail to the applicant, namely, **Jagu Debnath**, imposing some conditions.

Accordingly, it is ordered that, in the event of arrest, the applicant, namely, **Jagu Debnath**, may be released on **bail** on executing a bond of **Rs. 1,00,000/-** with **one surety** of the like amount to the satisfaction of the arresting authority.

However, the applicant shall appear before the I.O. of Belonia PS tomorrow (20.03.2025) at 1:00 p.m. The I.O. shall be at liberty to interrogate the applicant to recover the weapon(s) of offence. The applicant shall comply all the directions to be made by the I.O. for the purpose of smooth

investigation. The applicant shall also make himself available before the I.O. as and when he is called for.

With above observations and directions, the instant anticipatory bail application stands allowed and thus disposed.

Return back the case diary.

JUDGE

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