

**HIGH COURT OF TRIPURA
AGARTALA
BA No.29 of 2025**

Sri Ajmir Hussain,
Son of Abdul Gafar,
Resident of Jubarajnagar,
Ward No.4, North Tripura,
PIN:799 261

---Applicant

On behalf of

Sri Md. Abdul Munim,
Son of Abdul Gafur,
Resident of Jubarajnagar, Ward No.4,
North Tripura, PIN:799 261

---Accused Person

-Vs-

The State of Tripura

---Respondent

For Applicant(s)	:	Mr. Pujan Biswas, Adv. Mr. Rishiraj Nath, Adv. Mr. Chinfru Mog, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P. Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

05/05/2025

This bail application is filed under Section 483 of BNSS for releasing of the accused in custody namely Md. Abdul Munim who is lodging in jail in connection with Dharmanagar PS Case No.2025DMN026 under Section 249/143(f) of BNS, 2023 read with 03 of Passport (Entry into India) Act, 1920.

Heard Learned Counsel Mr. Pujan Biswas appearing on behalf of the accused in custody and also heard Learned P.P. Mr. Raju Datta along with Mr. Rajib Saha, Learned Addl. P.P. appearing on behalf of the state-respondent. As ordered earlier the CD has been produced today.

In course of hearing Learned counsel for the accused in custody drawn the attention of this court that the accused in custody is lodging in jail since 15.03.2025. He further submitted that Section 143(f) of BNS will not be applied in this case and furthermore the wife of the accused is in advance stage and her delivery is expected very shortly. So Learned counsel urged for releasing the accused in custody on bail in any condition.

On the other hand, Learned P.P. appearing on behalf of the state-respondent opposed the bail application and submitted that there are sufficient materials against the accused showing his implication with the alleged crime. So Learned P.P. urged for rejecting the bail application of the accused.

In this case the prosecution was set into motion on the basis of an FIR laid by one Ravindra Pratap Singh, Assistant Commandant, Coy Commandant, B-Coy, 199 Bn BSF to O.C. Dharmanagar P.S. alleging inter alia that on 14.03.2025 Constable No.13084969 Samanta Ghosh and Constable Driver No.13040552 Amarjeet Singh of 199 Bn. BSF were performing special checking drive at ISBT, Dharmanagar from 0600 hrs. to 1800 hrs and at about 1315 hrs. on 'G' information special checking drive apprehended 04 Rohingyas namely Jahid Alam, Mamtazu Haq, Min Ara and Junup Akhtar at ISBT Dharmanagar while they were trend to board on a bus. During preliminary interrogation one of the Rohingyas called Abdul Munim i.e. the accused in custody through his mobile and thereafter said Abdul Munim along with Kamran Hussain came to meet them when they were detained by the special checking party. On the basis of the

FIR the case was registered and this present accused in custody was produced before the Learned court below on 15.03.2025.

I have heard both the sides at length and perused the CD. During investigation it revealed that the accused in custody had conversation with the detained Rohingas prior to their detention. It is also on record that the accused worked as a tout for importing Rohingas from Bangladesh to India. The investigation of the case is still in progress. But involvement of the accused as a tout can only be determined after conclusion of trial not during the stage of investigation. The accused also submitted some medical papers showing delivery of his wife shortly. He is in custody w.e.f. 15.03.2025. So considering the period of detention of the accused in custody and also the fact that the wife of the accused is in advance stage and her delivery is likely to be held shortly and presence of accused will be required so this court is inclined to release him on interim bail till 31.05.2025 of his execution of bond of Rs.30,000/-(thirty thousand) with one surety of like amount to the satisfaction of the Learned Jurisdictional Magistrate on condition that he shall attend before the I.O. on every Monday and Thursday till next date nor he shall make any attempt to temper the evidence on record of the prosecution in default to remain in J/C as before. The accused shall surrender before the Learned Jurisdictional Court on 31.05.2025. On that day the Learned court shall be at liberty to consider him to release him on further interim bail or to release him on regular bail subject to the report of the I.O. If it is found that the accused commits similar type of offence or he is involved in any other offence of this nature in that case

the I.O. shall be at liberty to approach to the concerned Learned Jurisdictional Court for cancellation of his bail.

Send down the LCR along with a copy of this order. Also a copy of this order along with CD be returned back to the I.O. through Learned P.P. Further a copy of this order be supplied to Learned Counsel for the accused in custody.

With this observation, this bail application stands disposed of.

JUDGE



**MOUMITA
DATTA**

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