

**HIGH COURT OF TRIPURA
AGARTALA**

A.B.No.34 of 2025

Biplab Das, Age 50 years,
son of Birendra Nath Das,
resident of Ambagan, P.O. & P.S. Bishalgarh,
District-Sepahijala Tripura, Pin-799102

---- Applicant(s)

Versus

The State of Tripura
(to be represented by the L'd Public Prosecutor,
Hon'ble High Court of Tripura)

----Respondent(s)

For Applicant(s)	: Mr. Purusuttam Roy Barman, Sr. Adv. Mr. Samarjit Bhattacharjee, Adv. Mr. Koushik Nath, 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 under Section 482 of BNSS, 2023 is filed for granting pre-arrest bail to the accused petitioner, Biplab Das in connection with Bishalgarh P.S. Case No.27/2025 dated 05.04.2025 under Section 420/468/471 of IPC.

[02] Heard Learned Senior counsel, Mr. P. Roy Barman assisted by Mr. S. Bhattacharjee, Learned counsel and Mr. K. Nath, Learned counsel appearing on behalf of the petitioner. Also heard Learned P.P., Mr. R. Datta along with Mr. R. Saha, Learned Addl. P.P. appearing on behalf of the State-respondent.

[03] Taking part in the hearing, Learned Senior counsel, Mr. P. Roy Barman appearing on behalf of the petitioner first of all drawn the attention of the Court referring the contents of the FIR dated 02.04.2025 laid by Addl. District Magistrate & Collector, Sepahijala District, Bishramganj to O/C, Bishalgarh P.S., Sepahijala District and submitted that on the basis of an FIR this present case has been registered. He further drawn the attention of the

Court referring Annexure-2 and submitted that the disputed land in question was recorded in the name of one Biplab Das i.e. the present petitioner through mutation proceeding and after that Khatian was opened in his name vide No.3593 under Mouja-Brajapur, T.K.-Brajapur. On the basis of mutation proceeding total land measuring 1.610 was recorded in the name of the present petitioner. Thereafter, the petitioner transferred 1.41 acre of land in favour of Ananda Marga School vide registered sale deed No.1-777 dated 25.06.2019 which was also recorded in the name of said school and thereafter, said Ananda Marga School also transferred/gifted some portion of land to one Uttam Sukla Das which was also recorded in his name through mutation proceeding. After that, the DM & Collector, Sepahijala District drawn up one proceeding suo moto and vide order dated 07.03.2025 in Revenue Case No.4/2025 under Section 95 of TLR & LR Act, 1960 passed an order for laying an FIR against the present petitioner and also declared the sale deed and gift deed as null and void which according to Learned Senior counsel was beyond the domain of District Collector which he was no legally capable to do so.

[04] It was further submitted that the transfer was made after observing all formalities and the different revenue officials after conducting field enquiry through the mutation proceedings recorded the land in the name of Ananda Marga School and thereafter in the name of one Uttam Das. Challenging that order dated 07.03.2025 the Ananda Marga School by this time has filed one civil suit before the Court of Learned Civil Judge, Senior Division, Sepahijala, Sonamura District vide No.T.S.03/2025 which is pending for adjudication.

[05] Learned Senior counsel further submitted that the case was registered under Section 420/468/471 of IPC but here there was no allegation from the side of the purchaser i.e. Ananda Marga School who purchased the land from the present petitioner then how the Government can be cheated in this case. As such, the case is also not maintainable in view of the aforesaid provisions of IPC.

[06] Finally, he relied upon one citation of the Hon'ble Supreme Court of India in **Randheer Singh versus State of Uttar Pradesh and Others** reported in **(2021) 14 SCC 626** wherein in para No.24 Hon'ble the Apex Court observed as under :

"24. A fraudulent, fabricated or forged deed could mean a deed which was not actually executed, but a deed which had fraudulently been manufactured by forging the signature of the ostensible executants. It is one thing to say that Bela Rani fraudulently executed a Power of Attorney authorising the sale of property knowing that she had no title to convey the property. It is another thing to say that the Power of Attorney itself was a forged, fraudulent, fabricated or manufactured one, meaning thereby that it had never been executed by Bela Rani. Her signature had been forged. It is impossible to fathom how the investigating authorities could even have been prima facie satisfied that the deed had been forged or fabricated or was fraudulent without even examining the apparent executant Bela Rani, who has not even been cited as a witness."

Referring the same, Learned Senior counsel drawn the attention of the Court that no cheating has been committed by the petitioner and if for argument sake if the present petitioner has committed any offence by illegally transferring the land, in that case, not only the petitioner so many officials of the administration would also be liable to be prosecuted.

[07] Furthermore, Learned Senior counsel also submitted that since challenging the order of Learned District Collector the Ananda Marga School i.e. the purchaser has filed Civil Suit which is the competent Court to decide the issue and there is no chance of tempering the evidence on record of the prosecution by the present petitioner as the entire case is based on documentary evidence on record. So, according to Learned Senior counsel custodial interrogation is not required and as such, the applicant may be allowed to go on pre-arrest bail for the sake of justice.

[08] On the other hand, Learned P.P., Mr. R. Datta appearing on behalf of the State-respondent opposed the submission of Learned Senior Counsel and submitted that from the order dated 19.10.2024 and subsequent order dated 07.03.2025 it is crystal clear that the initial preparation of Khatian bearing No.3593 was made illegally in favour of the present petitioner because government khash land was recorded in his name as Raiyat and furthermore,

the accused petitioner in collusion with some revenue staff managed to transfer the government khash land to the Anand Marga School who also transferred some portion of land to one Uttam Sukla Das and if at this stage, the petitioner is granted pre-arrest bail then there is a chance of tempering evidence on record of the prosecution.

[09] Learned P.P. also relied upon one citation of the Hon'ble Apex Court of India in **Pratibha Manchanda and Another versus State of Haryana and Another** reported in **(2023) 8 SCC 181** wherein in para No.29 the Hon'ble Apex Court observed as under :

"29. Land scams in India have been a persistent issue, involving fraudulent practices and illegal activities related to land acquisition, ownership, and transactions. Scammers often create fake land titles, forge sale deeds, or manipulate land records to show false ownership or an encumbrancefree status. Organized criminal networks often plan and execute these intricate scams, exploiting vulnerable individuals and communities, and resorting to intimidation or threats to force them to vacate their properties. These land scams not only result in financial losses for individuals and investors but also disrupt development projects, erode public trust, and hinder socio-economic progress."

Relying upon the same, he submitted that this present case is covered by the said judgment of the Hon'ble Supreme Court of India and urged for dismissal of the pre-arrest bail application.

[10] I have heard both the sides at length and perused the documents annexed with the application. Admittedly, this present case is registered against the accused petitioner under Section 420/468/471 of IPC. For the sake of convenience, I would like to refer herein below the relevant provisions of Section 420/468/471 of IPC which provides as under :

420. Cheating and dishonestly inducing delivery of property.- Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

468. Forgery for purpose of cheating .- Whoever commits forgery, intending that the document [or electronic record] forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

471. Using as genuine a forged document [or electronic record].- Whoever fraudulently or dishonestly uses as genuine any document [or electronic record] which he knows or has reason to believe to be a forged document [or electronic record] , shall be punished in the same manner as if he had forged such document [or electronic record].

[11] Here in the case at hand, the prosecution was set into motion on the basis of an FIR laid by ADM, Sepahijala to O/C Bishalgarh P.S. alleging inter alia that he filed the FIR as per direction of District Collector in connection with Revenue Case No.04/2025 because the present petitioner Biplab Das illegally transferred land measuring 1.41 acres mentioned in RS Plot No.1416 & 1417 of Khatian No.3593 under Mouja-Brajapur, TK Brajapur vide sale deed No.1-777 in the year 2019. From the FIR it is not clear as to how the accused petitioner had committed forgery. However, if we go through the order of Learned District Collector dated 07.03.2025 in Revenue Case No.04/2025 under Section 95 of TLR & LR Act from which it appears that there is allegation of incorporation of some land which was recorded in Khatian No.3593 in favour of the petitioner and subsequent transfer of land by the petitioner to Ananda Marga School through deed No.1-777 dated 25.06.2019 and transfer of land measuring 0.100 acres to one Uttam Sukla Das through gift deed No.1-1150 dated 06.08.2021 are also illegal. By this time, the said order has been challenged before the Civil Court by the Ananda Marga School which is sub-judices therein. Here we are dealing with the bail application. The order dated 19.10.2024 and order dated 07.03.2025 passed by Learned District Collector have not been challenged before this Court at this stage, rather, the Ananda Marga School has challenged the order dated 19.10.2024 to the competent Civil Court.

[12] I have also perused the CD produced by Learned P.P. The investigation of the case is in progress and according to IO the case is at the very beginning stage. So, considering the materials on record I do not find any necessity at this stage for custodial detention of the accused for the sake of investigation. However, if ultimately the case ends in filing of charge-sheet and trial conducts and if it is found that the accused had committed the offence, in

that case, there will be chance of punishment of the accused, however, to unearth the truth the IO should conduct proper investigation of the case.

[13] Learned P.P. in course of hearing relied upon one order passed by this Court in **[Siddhartha Ghosh versus State of Tripura in Case AB No.55/2024 dated 25.10.2024]**. The subject matter of that case and the present case are a bit different.

[14] The investigation of the case is in progress and at this stage it cannot be said that the accused is totally innocent which is the subject matter of trial after completion of investigation. However, considering the nature and allegation of the prosecution and the materials on record I think that the accused may be given some protection to remain on bail since civil dispute is also pending with the following terms and conditions :

- (1) The accused petitioner may be released on bail of his execution of bond of Rs.50,000/- with one surety of like amount to the satisfaction of O/C, Bishalgarh P.S. on condition that he shall make available himself for interrogation by IO as and when called for the sake of investigation.
- (2) The accused shall not make any attempt to leave the jurisdiction of O/C Bishalgarh P.S. without his prior permission/intimation.
- (3) The accused shall not make any attempt to temper evidence on record of the prosecution during the stage of investigation. However, if it is found that the accused violates the condition of bail then the IO shall be at liberty to pray for cancellation of his bail application to the Court of Learned jurisdictional Magistrate who shall be at liberty to hear the matter and to dispose of the same on merit.

A copy of this order be furnished to Learned Senior counsel, Mr. P. Roy Barman for the accused petitioner for information and compliance in course of the day. A copy of this order along with CD be returned back to IO through Learned P.P.

With this observation, the bail application stands disposed of.

SABYASACHI
BHATTACHARJ
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JUDGE