

**HIGH COURT OF TRIPURA  
AGARTALA  
A.B. No.36 of 2025**

**Wahid Ali, (49 years)**  
Son of Late Sikendor Ali,  
Resident of East Yeazekhowra,  
P.O.:- Babur Bazar, P.S. Irani,  
Sub-Division-Kailashahar,  
District-Unakoti, Tripura,  
PIN-799281.

**.... Applicant(s)**

**Versus**

**The State of Tripura,**  
To be represented by the Ld. P.P.,  
Hon'ble High Court of Tripura,  
Agartala, Tripura.

**.....Respondent(s)**

|                   |                                                      |
|-------------------|------------------------------------------------------|
| For Applicant(s)  | : Mr. Narasingha Das, Adv.<br>Mr. Saugat Datta, Adv. |
| For Respondent(s) | : Mr. Raju Datta, P.P.<br>Mr. Rajib Saha, Addl. P.P. |

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

**Order**

**20/05/2025**

This application under Section 482 of BNSS, 2023 is filed for granting pre-arrest bail to the applicant Wahid Ali in connection with Irani PS Case No.08/2025 under Section 3 of Passport (Entry into India) Act, 1920 and Section 249(C) of BNS, 2023 read with Section 14(a) & 14(c) of Foreigners Act, 1946.

Heard Learned Counsel, Mr. N. Das appearing on behalf of the applicant. Also heard Learned P.P., Mr. R. Datta along with Learned Addl. P.P., Mr. R. Saha appearing on behalf of the State-respondent.

Taking part in the hearing, Learned Counsel for the applicant first of all drawn the attention of the Court referring the contents of the FIR and submitted that on the basis of the FIR laid

by one Ravindra Pratap Singh, AC, Coy Commander, 'B' Coy 199 BSF, this case was registered against one Nirmal Malakar and others. He further submitted that the applicant is running one furniture shop wherein he used to engage so many persons as labourers for manufacturing of furniture and this applicant is no way involved with the alleged prosecution and furthermore in the FIR the name of the alleged accused was shown as Vahid Mia but the present applicant is named as Wahid Ali but the police in connection with investigation of this case called him at PS and tried to harass him for which under compelling circumstances this anticipatory bail application is preferred by him.

Learned Counsel further submitted that initially he also filed another anticipatory bail application to the Court of Additional Sessions, Kailashahar, Unakoti District and Learned Addl. Sessions Judge by order dated 23.04.2025 passed in CrI. Misc. No.15 of 2025 arising out of Irani PS Case No.8 of 2025 has been pleased to reject the pre-arrest bail application of the applicant and under compelling circumstances this present petition is being filed by him.

On the other hand, Learned P.P. appearing on behalf of the State-respondent in pursuance of the earlier order of the Court has produced the CD and submitted that there is/are sufficient materials showing implication of the applicant with the alleged offence and from the statements of the witnesses it reveals that this present applicant assisted the principal accused and also allowed him to discharge his duties as a carpenter to his furniture shop. So at this stage his involvement cannot be ruled out and urged for rejection of the bail application.

Considered.

In this case, as already stated the FIR was laid by one Ravindra Pratap Singh, AC, Coy Commander, B Coy 199 BSF to O/C Irani PS alleging *inter alia* on 22.03.2025 when the informant along with 01 SO and 05 ORS laid an Ambush in alignment BP Ref 1843/34-S between BFL No.17-18 Behind of Fence from 2300 hrs to 0100 hrs. at about 2345 hrs that time they noticed some suspicious movement of miscreants approximately 40 mtrs behind of IBB Fence in dense vegetation in the alignment of BP Ref.1843/34-S in between BFL No 17-18 in AOR of BOP Heerachera 199 Bn BSF and they challenged the miscreants. On seeing the movement of Ambush Party 02 miscreants were trying to fled away while chasing one of them namely Sahin Ali managed to escape by taking advantage of the foggy weather but they could detain only one Nirmal Malakar and on spot interrogation he disclosed his identity as a Bangladeshi National and some cash amount and another articles were seized and in course of interrogation the names of some of the Indian touts were revealed including the alleged present applicant and accordingly the FIR was laid by him. The case was registered and the IO took up the investigation of this case and in course of investigation he has recorded the statement of some of the witnesses who were conversant to the facts and circumstances of the case.

This present case is registered under Section 3 of IBP Act read with Section 249(C) of BNS, 2023 and Section 14(C) of the Foreigners Act 1946. From the statements of witnesses so far collected by IO it appears that there is evidence on record that the present applicant allowed the principal accused to render his job

as a carpenter to his furniture shop for certain period and on the alleged day he assisted the principal accused to cross Indian territory with the assistance of some other accused while he was detained by the BSF party.

As submitted by the Learned Counsel for the applicant the charge of Foreigners Act cannot be applied in respect of the present applicant and so far as in regard to the prosecution in respect of other provisions of law the matter is subjected to further verification and trial. However, investigation of the case is in progress so at this stage it is very difficult to give any specific observation regarding innocence of the accused with the alleged crime. However, considering the materials on record and the evidences so far collected by IO it appears that this is a fit case where the concession of pre-arrest bail may be granted to present applicant but on certain conditions. Accordingly, the petition filed by the present application is hereby allowed.

The applicant may be released on bail in the event of his arrest of his execution of bond of Rs.50,000/- with one surety of like amount to the satisfaction of O/C, Irani PS on condition that during that period he shall not make any attempt to tamper evidence on record of the prosecution nor he shall leave the jurisdiction of PS area without prior intimation of O/C of the concerned PS and furthermore he shall not indulge in such type of activities failing which the IO shall be at liberty to file application to the concerned Court for cancellation of his bail.

Accordingly, this petition is disposed of.

A copy of this order be furnished to the Learned Counsel for the applicant for information and compliance.

Return back the CD to IO through Learned P.P. along with a copy of this order.

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

**JUDGE**



**AMRITA  
DEB**

Digitally signed by  
AMRITA DEB  
Date: 2025.05.20  
17:49:37 +05'30'

*Amrita*