

**HIGH COURT OF TRIPURA
AGARTALA**

BA No.34 of 2025

Miss Pounami Kar,
Daughter of Sri Prasanta kar,
Resident of Jatrabari, Near Chalaman Sangha,
P.S. Bodhjungnagar,
District: West Tripura

**---petitioner on behalf
of accused person-in-
custody**

Sri Prasanta Kar,
Son of Late Pramode Chandra Kar,
Resident of Jatrabari, Near Chalaman Sangha,
P.S. Bodhjungnagar,
District: West Tripura

**---Accused Person in
custody**

-Vs-

The State of Tripura

---Respondent

For Applicant(s)	:	Mr. Bikash Ranjan Bhattacharjee, Sr. Adv. Mr. Kabrabam Dhirendra Singha, Adv. Mr. Arpan Jamatia, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

20/05/2025

This bail application is filed under Section 483 of BNSS for releasing of the accused in custody namely Sri Prasanta Kar in connection with East Agartala PS Case No.2024EAG119 under Section 329(3)/308(5)/109/61(2)/351(2)/3(5) with added Section 111(1)(3)(4)(6)(7) and 308(4) of BNS, 2023.

Heard Learned Senior Counsel Mr. Bikash Ranjan Bhattacharjee assisted by Mr. K.D. Singha, Learned Counsel and Mr. A. Jamatia, Learned Counsel appearing through virtually. Also heard Learned P.P. Mr. Raju Datta appearing on behalf of the State-respondent.

In course of hearing of argument Learned Senior Counsel today drawn attention of the court that on the last day he made submission and accordingly today was fixed for production of CD by the prosecution and also for record of the Learned Jurisdictional Court. By this time the accused has been admitted in the hospital and he is suffering from severe ailments. Learned Senior Counsel further submitted that since the chargesheet is submitted so no purpose would be served by keeping the accused in judicial custody, so for the purpose of treatment and also for conducting the defence Learned Senior Counsel urged for releasing the accused on bail if necessary with some strict conditions.

On the other hand, Learned P.P. first of all drawn the attention of the court that initially the accused was granted bail by the court but after release on bail the accused threatened the informant of the case and accordingly on the prayer of the prosecution his bail was cancelled and he was taken into custody. In the meantime the I.O. has laid chargesheet against this accused and two others with a prayer for holding custody trial of the accused. Learned P.P. further submitted that from the statement of witnesses so far collected by I.O. during investigation it transpires that there are sufficient materials showing implication of the accused with the alleged crime. So if at this stage the accused is released on bail in that case there is every chance that he may threaten the witnesses of the prosecution and the trial would be frustrated. So he urged for further detention of the accused in custody by rejecting the bail application.

In the case at hand the prosecution was set into motion on the basis of an FIR laid by the informant Smt. Apu Rani Sarkar Roy to O.C. East Agartala PS alleging inter alia that she is the owner cum proprietor of Mahalaxmi Stores situated at Kaman Chowmuhuni, Agartala. In the year 2018 she sold a land situated at Khayerpur. But few months ago the accused persons namely Paresh Ghosh, Raja Saha and Prasanta Kar suddenly came to her house and started demanding Rs.2 crore in cash and threatened her and her family members that in case of default they would kill them. It was further submitted that the accused persons are very dangerous in nature and connected with land mafias. Thereafter on 19.08.2024 the said accused persons entered into her shop and abused them with filthy languages and threatened the employees of her shop and also asked to pay the money immediately otherwise they would kill all the family members of the informant. It was further submitted that everyday the said accused persons are threatening her and her family members with dire consequences and accordingly she laid the FIR. On the basis of the FIR the case was registered by O.C. East Agartala Police Station on 20.10.2024 No.2024EAG119 under Section 329(3)/308(5)/109/61(2)/351(2)/3(5) with added Section 111(1)(3)(4)(6)(7) and 308(4) of BNS, 2023 and in course of investigation the I.O. caused arrest of the present accused and forwarded him before the court on 25.10.2024. Thereafter by order dated 05.11.2024 the accused was granted interim bail by Learned CJM, West Tripura, Agartala. After that on 08.11.2024 the prosecution submitted a prayer before court for cancellation of the

bail granted to the accused on the ground that this accused and another after release on bail the accused persons threatened the witnesses of the prosecution and violated the conditions of bail and accordingly after hearing by order dated 19.11.2024 their interim bail granted was cancelled and they were taken into custody. Since then this accused is lodging in jail. In the meantime the I.O. laid chargesheet against this accused and two others and by order dated 11.04.2025 Learned CJM has committed to the Court of Learned Sessions Judge, West Tripura, Agartala and now the case is pending for trial before the Court of Learned Sessions Judge, West Tripura, Agartala. It is also on record that during that period successive bail applications were filed by the accused which were rejected by the Learned concerned Courts.

I have perused the case record as well as the CD. During investigation the I.O. has collected materials against the accused showing his implication with the alleged offence. In this case the I.O. has laid chargesheet against all the three accused persons under Section 329(3)/308(5)/109/61(2)/351(2)/3(5) with added Section 111(1)(3)(4)(6)(7) and 308(4) of BNS. From the record it appears that after release on interim bail the accused and his associate threatened the informant and her family members.

At the time of hearing Learned Senior Counsel submitted some photocopies of documents from which it appears that the accused was admitted in AGMC & GBP Hospital on 07.05.2025. It is not clear as to whether the accused is still admitted in the

hospital or not at this stage and it appears that he was referred to the Cardiology Department. Another accused Raja Saha by this time has been released on bail and other accused Paresh Ghosh is still in custody.

On perusal of the materials on record at this stage there is no scope to presume that the accused is innocent till conclusion of trial since the I.O. has laid chargesheet against him. However, considering the physical condition of the accused and the period of detention in custody he may be released on bail till 30.06.2025 for an amount of Rs.1,00,000/-(one lakh) with one surety who must be a Public Servant to the satisfaction of the Learned Sessions Judge in default to remain in J/C as before with the following conditions:

- (i) The accused in the event of release on bail shall appear before the Court of Learned Sessions Judge, West Tripura, Agartala once in a week till next date.
- (ii) He shall not make any attempt, threaten or temper any witness or evidence of the prosecution.
- (iii) He shall not leave the jurisdiction of the court without prior permission of the Court.

In case of violation of any of the conditions the prosecution shall be at liberty to submit application to the court of Learned Sessions Judge for cancellation of privilege of interim bail granted to him. However, the accused is no longer required to appear before this court in this case on the next date. Learned Sessions Judge, West Tripura, Agartala shall on that date either

consider to extend his period of interim bail or regular bail as the case may be on merit in accordance with law.

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

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

Also a copy of this order be supplied to the Learned Senior Counsel for the applicant for information and necessary action.

With this observation, this bail application stands allowed and disposed of.

JUDGE



सत्यमेव जयते

**MOUMITA
DATTA**

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