

**HIGH COURT OF TRIPURA
AGARTALA
B.A.No.38 of 2025**

Sri Uttam Debnath (47 Years),
S/o: Lt. Nanigopal Debnath,
R/o: Naboday Para Road, Aralia,
Netaji Subash Palli, P.S.: East Agartala,
District: West Tripura, Pin: 799004.

For and on behalf of custody accused persons:

- 1. Manoara Begum (35 Years),**
D/o. (S) Khuddush Shek,
 - 2. Parvin Begum (45 Years),**
W/o: Lt. Babul Shek,
- Both are R/o: Vill: Suktakgram,
P.S.: Kalia, Dist.: Narail, Bangladesh.

-----Custody Accused

Versus

The State of Tripura

-----Respondent(s)

For Applicant(s)	:	Mr. Samrat Kar Bhowmik, Sr. Adv. Mr. Ezekiel L. Darlong, Adv.
For Respondent(s)	:	Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

27/05/2025

This bail application is filed under Section 483(1)(b) of BNSS, 2023 for relaxation/modification of the conditions of bail granted to the accused persons in custody in connection with Agartala GRPS case No.2024 GRP 090 registered under Sections 61(2), 249(b), 143(3) of BNS, 2023, Section 3 of the IPP Act (Entry into India Amendment, 2000) and Section 14(A)/14(C) of the Foreigners Act, 1946.

Heard Learned Senior Counsel, Mr. Samrat Kar Bhowmik assisted by Learned Counsel, Mr. Ezekiel L. Darlong appearing on behalf of the accused persons in custody. Also heard Learned Addl. P.P., Mr. Rajib Saha appearing on behalf of the State-respondent.

Taking part in the hearing, Learned Senior Counsel, Mr. Bhowmik submitted that he has been engaged as *pro bono* counsel in this

case. Learned Senior Counsel further submitted that although the present bail application is filed for relaxation of the conditions of bail but some decision needs to be taken in a case of this nature. Learned Senior Counsel submitted that the Court should take lenient view if the accused persons pleads guilty of offence and here in the case at hand, the present accused persons are lodging in custody for more than 7(seven) months and admittedly they are Bangladeshi nationals. So, if in the event of their pleading guilty of offence they are repatriated to Bangladesh then, the very purpose of justice would suffice and furthermore, if the trial is continued for a prolong period and the accused persons are punished then, in that case it would be nothing but a huge burden on the State exchequer. Learned Senior Counsel further submitted that in some similarly situated cases the Hon'ble Supreme of India observed that if it is found that the accused persons are foreign nationals in that case it would be prudent to take necessary steps by the Court for their repatriation to their country of origin. Learned Senior Counsel further referred some other cases passed by Learned Addl. Sessions Judge, Court No.2, West Tripura, Agartala in connection with Case No.ST(T-2) 10 of 2025, ST (Type-II) 15 of 2025 and ST (Type-II) 21 of 2025 wherein necessary order has been passed for repatriation of the accused persons to their country of origin in the event of their pleading guilty of offence. So, Learned Senior Counsel urged this Court that a direction may be given to Learned Addl. Sessions Judge, Court No.4, West Tripura, Agartala to pass similar order.

On the other hand, Learned Addl. P.P. strongly opposed the submission made by Learned Senior Counsel for the accused persons in custody and submitted that each case will proceed according to its own merit. So, there is no such scope to issue any direction upon the concerned Court in this regard.

Considered.

I have perused the application filed on behalf of the accused persons in custody and also the records of the Learned Court below.

It appears to this Court that by order dated 02.05.2025, Learned Addl. Sessions Judge, Court No.4, West Tripura, Agartala in connection with Case No.ST (Type-I) 27 of 2025 modified the conditions of bail in respect of the aforesaid persons in custody namely, Manoara Begum and Parvin Begum and granted bail on furnishing bond of Rs.1,00,000/- each with solvent surety instead of cash deposit as ordered by the Court of Learned Judicial Magistrate 1st Class vide order dated 20.11.2024. The case is posted for ER and reply of sureties on 29.05.2025.

In course of hearing Learned Senior Counsel referred two cases passed by Hon'ble the Apex Court in ***Jaffar Ullah & Anr. vs. Union of India & Ors [WP(C) No.859 of 2013]*** and ***Mohammad Ismail & Anr. vs. Union of India [WP(C) No.204 of 2025]***. Both the cases are pending for hearing and disposal in the month of 31.07.2025. But it appears that no effective order in this regard has been passed by the Hon'ble Apex Court in any of these cases. So, just on the basis of a news clip, no order can be passed since the subject matter is still subjudiced. However, I have also seen the orders passed by the Addl. Sessions Judge, Court No.2, West Tripura, Agartala in the aforementioned cases. Each case will proceed according to its own merit. In conducting defence what would be the stand of the accused persons that is not known to this Court.

In this case, the charge-sheet is submitted by the I.O. under Sections 61(2), 249(b), 143(3) of BNS, 2023, Section 3 of the IPP Act (Entry into India Amendment, 2000) and Section 14(A)/14(C) of the Foreigners Act, 1946. Since Section 143(3) of BNS, 2023 and Section 14(A)/14(C) of the Foreigners Act which are exclusively triable by the Court of Sessions. So, the case has been committed to the Court of Learned Sessions Judge by the Learned Jurisdictional Magistrate.

However, from the materials on record and the nature of the case, I do not find any scope to interfere with the order dated 02.05.2025 passed by Learned Addl. Sessions Judge, Court No.4, West Tripura, Agartala in connection with Case No.ST(Type-I) 27 of 2025 because the conditions of bail have already been relaxed by the concerned Court of Learned Addl. Sessions Judge and furthermore in course of hearing no submission was made by Learned Senior Counsel for relaxation of the conditions of bail rather the submission of Learned Senior Counsel was confined to passing necessary direction upon the Learned Court below to consider repatriation of the accused persons in custody in the event of their pleading guilty of offence. Thus, the bail application filed by the accused persons stands rejected being devoid of merit.

It is further submitted that each case will proceed according to its own merit. It is the concerned Court who is to decide the matter in accordance with law considering the facts and circumstances of the case. Furthermore, it is the liberty of the accused persons in custody to take proper defence in consultation with his/her counsel. In this case, the I.O. has laid charge-sheet against 11(eleven) numbers of accused persons. So, appropriate order is to be passed by the Learned Court below in accordance with law considering the facts and circumstances of the case and also on the basis of the submissions made by Learned respective counsels.

With this observation, this bail application stands disposed of.

Send down the LCR along with a copy of this order. Send down the CD to I.O. through Learned Addl. P.P. along with a copy of this order.

JUDGE

Snigdha

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A DATTA

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