

**HIGH COURT OF TRIPURA
AGARTALA
A.B. No.49 of 2025**

Nityananda Debnath,
S/o-Lt. Binod Kumar Debnath,
Resident of: Netaji Nagar, Dharmanagar,
P.S.: Dharmanagar, District: North Tripura.

---- Accused applicant(s)

Versus

The State of Tripura

----Respondent(s)

For Applicant(s)	:	Mr. Samrat Ghosh, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P. Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

21/07/2025

This pre-arrest bail application under Section 482 of BNSS, 2023 is filed for granting bail to the accused-applicant, Sri Nityananda Debnath in connection with Dharmanagar PS case No.2025 DMN 023 under Sections 117(2)/74/3(5) of BNS, 2023.

Heard Learned Counsel, Mr. Samrat Ghosh appearing on behalf of the accused-applicant. Also heard Learned Addl. P.P., Mr. Rajib Saha appearing on behalf of the State-respondent.

As ordered earlier, the record of the Learned Trial Court is received. Learned Addl. P.P. has also produced the case diary.

In course of hearing, Learned Counsel for the accused-applicant submitted that on the basis of an F.I.R. laid by one Smt. Bina Sharma, the present case was registered and in course of investigation, three accused persons namely, Sankar Nama, Nirupam Debnath and Arindam Debnath were produced before the court under

arrest and later on they were released on bail excepting three other accused persons including the present accused-applicant.

Learned Counsel further submitted that earlier the present accused-applicant and two other accused persons had preferred one pre-arrest bail application before the Court of Learned Sessions Judge, North Tripura, Dharmanagar and the Learned Sessions Judge by order dated 25.03.2025 in connection with BA No.08 of 2025 rejected the bail application. Learned Counsel for the accused-applicant referring the contents of the order passed by Learned Sessions Judge and the contents of the F.I.R. submitted that from the contents of the F.I.R., it appears that it was not specifically stated who committed the offence of outraging of modesty as required under Section 74 of BNS, 2023 and the other provision under Section 117(2) is alsoailable in nature.

So, considering the materials on record, Learned Counsel for the accused-applicant urged for releasing the accused-applicant on pre-arrest bail. It was further submitted that out of political enmity this prosecution was manufactured.

On the other hand, Learned Addl. P.P., referring some of the statement of witnesses as contained in the case diary urged for rejection of this bail application.

Considered.

The prosecution was set into motion on the basis of an F.I.R. laid by one Smt. Bina Sharma alleging *inter alia* that on 08.03.2025 at about 2100 to 2130 hours at Pongati Chowmuhani, New Baghaypur some miscreants attacked her, her husband and also her sister-in-law namely, Prativa Sharma. They physically assaulted them for which they had to undergo medical treatment. Based on this F.I.R.

the case was registered under Sections 117(2)/74/3(5) of BNS, 2023.

I have perused the case diary and the order dated 25.03.2025 passed by Learned Sessions Judge in connection with BA No.08 of 2025.

From the case diary, it appears that by this time the I.O. of this case has recorded the statement of some of the witnesses. From the statement of the witnesses so far recorded by the I.O. it appears that one of the accused in course of hot altercation with the husband of the informant caused injury to him by a piece of brick resulting which he sustained injury. Later on when the informant and another lady came for to rescue him that time all the accused persons jointly assaulted them and also caused outrage of modesty of the informant and another lady. The I.O. also collected the injury reports of all the three victims. It appears to this court that the injury is simple in nature.

Furthermore, from the case diary *prima facie*, I do not find sufficient materials showing implication of the present accused-applicant with the alleged offence punishable under Section 74 of BNS, 2023.

Accordingly, in the opinion of this Court this is a fit case to grant pre-arrest bail to the accused-applicant. The accused-applicant may be enlarged on bail of his execution of bail bond of Rs.25,000/- with one surety of like amount to the satisfaction of O/C of the concerned PS in the event of his arrest with the following terms and conditions:

- i. That the accused-applicant shall not leave the jurisdiction of the concerned PS without prior permission of the O/C of the concerned PS.
- ii. The accused-applicant shall not make any attempt to tamper the evidence on record of the prosecution.
- iii. The accused-applicant shall appear before the I.O. as and when called for, for the sake of investigation of this case.

With this observation, the anticipatory bail application stands allowed and 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. A copy of this order also be supplied to Learned Counsel in course of the day for information and compliance.

JUDGE

