

**HIGH COURT OF TRIPURA
AGARTALA**

A.B. No.50 of 2025

Amrit Debnath @ Amit Debnath

S/O Haridhan Debnath,
R/O Bordowali, Near B.O.C,
P.S.-Amtali,
Dist.-West Tripura, Agartala, Tripura

---- Applicant

Versus

The State of Tripura

----Respondent(s)

For Applicant(s)	:	Mr. Sankar Bhattacharjee, Adv, Mr. Subendu Noatia, Adv.
For Respondent(s)	:	Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

02/08/2025

This pre-arrest bail application is filed for granting bail to the accused person namely Amrit Debnath @ Amit Debnath in connection with West Agartala PS case No.8 of 2019 for the offence punishable under Section 120B/379/406/417/420/511/34 of IPC.

Heard Learned Counsel, Mr. Sankar Bhattacharjee along with Learned Counsel, Mr. Subendu Noatia appearing on behalf of the applicant-accused and also heard Learned Addl. P.P., Mr. Rajib Saha appearing on behalf of the State-respondent.

As ordered earlier, this Court has received the record from the Learned Trial Court and Learned Addl. P.P. has also produced the Case Diary.

Taking part in the hearing, Learned Counsel for the applicant-accused has drawn the attention of this Court that this accused earlier preferred one bail application bearing No.103 of 2025 to the Court of Learned Sessions Judge, West Tripura, Agartala and Learned Sessions Judge by order dated 10.07.2025

has rejected the bail application on the ground that one NDPS case was pending against him. It was further submitted that admittedly there was an agreement for sale of a vehicle in between the informant-cum-complainant and the accused No.1 namely Sri Bikash Debnath of the complaint petition (which was later on treated as FIR) wherein the present applicant stood as witness but as the principal accused defaulted in making payment, so, this case was filed against him without any basis just to harass him. Learned Counsel further submitted that the applicant is totally innocent and he will abide by the terms and conditions if he is allowed pre-arrest bail, as prayed for.

On the other hand, Learned Addl. P.P. for the State-respondent countering the submission made by Learned Counsel for the applicant-accused submitted that in pursuance of notice, the applicant-accused did not turn up before the PS whereas on the other side, the principal accused after receipt of notice from the IO appeared at PS. Learned Addl. P.P. further submitted that the conduct of the present accused was not at all satisfactory and he is avoiding police arrest for which Learned Addl. P.P. urged for rejection of this bail application.

I have perused the complaint petition which was later on treated as FIR. The gist of the complaint is that the complainant-cum-informant of this case intended to sell one vehicle and accordingly an agreement took place in between the informant and the principal accused namely Bikash Debnath wherein the present applicant stood as witness and on 05.09.2018 the document for sale was executed at Court where a sum of Rs.90,000/- was given to the informant with assurance that the principal accused would make payment of the balance amount to

the private Finance company but he defaulted in making payment and not only that the vehicle was also taken from her by the principal accused. Thus, as the accused person has violated the terms and conditions of the agreement, so, she filed the complaint before the Court which was sent to IO for registration of the case and for investigation and accordingly, the case was registered.

In para No.3 of the bail application, it is submitted by the applicant that he has received one notice from DRI, Agartala office in connection with NDPS case No.48 of 2019 pending before the Court of Learned Addl. Sessions Judge FTC No.3, Kamrup, Guwahati, Assam and accordingly he appeared and after interrogation he was released.

There is no legal bar to grant bail to a person if he is wanted or involved in some other case. Further, on perusal of the Case Diary and the record of the Learned Trial Court, it appears that the IO of this case did not take any step for filing report in final form or for apprehension of the accused if he was found to be absconding which shows dereliction of duties and sheer negligence on the part of IO. It is to be kept in mind that the victim being aggrieved with the conduct of the accused laid the FIR for justice in the year 2019 and now it is 2025. Surprisingly, till today the IO could not submit the report in final form to the Learned Jurisdictional Court. At the same time, Learned Jurisdictional Court also simply passed an order for report one after another which also shows non-application of mind by the concerned Learned Jurisdictional Magistrate.

Considering the gravity of the offence, it appears that it is not such a case for which till today the IO could not submit report in final form. As per the CIS system, definitely the matter

will be showing pending for investigation and in a case of this nature, if IO takes almost 6/7 years time to complete the investigation then how the common people would keep faith in the administration of justice. This negligence on the part of IO cannot be overlooked by concerned Learned Jurisdictional Court. From the record, nowhere this Court finds that the IO submitted prayer to the Learned Court for issuing arrest or proclamation if he is found to be absconding but no such step is taken in this regard from the side of IO till today.

However, considering the present facts and circumstances of the case, although Learned Sessions Court refused to grant bail to the accused but this Court is of the considered view that on the ground of pendency of one case, rejection of pre-arrest bail would be violative of Article 21/22 of the Constitution of India.

It is settled position of law that Court cannot interfere with the investigation of a case. But in a case of this nature if the IO takes 6/7 years time to complete the investigation, in that case, definitely the Court cannot sit idle as a silent spectator without any progress report of IO just for issuing direction to the IO to complete the investigation by fixing dates only for report.

Hence, this Court is inclined to grant pre-arrest bail to the present applicant-accused in the event of his arrest for his execution of a bond of Rs.50,000/- with one surety of like amount to the satisfaction of O/C of the concerned PS with the following terms and conditions:-

i) The accused shall make available for interrogation by IO as and when called for.

ii) The accused shall not leave the jurisdiction of the O/C of the concerned PS without prior permission of the O/C of the respective PS.

iii) The accused shall not make any attempt to tamper the evidence on record of the prosecution.

If any of the conditions are violated then the IO shall be at liberty to approach to the Court for cancellation of the bail granted to the applicant-accused.

With this observation, this bail application stands disposed of.

A copy of this order be supplied to Learned Counsel for the applicant.

Send down the record of Learned Trial Court along with a copy of this order.

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

JUDGE