

**HIGH COURT OF TRIPURA
AGARTALA**

A.B. No.56 of 2025

Abhijit Debnath

S/O Sri Nityananda Debnath,
Resident of Netaji Para, Dharmanagar,
P.S.-Dharmanagar, Dist.-North Tripura.

---- Accused-Applicant

Versus

The State of Tripura

----Respondent(s)

For Applicant(s) : Mr. Samrat Ghosh, Adv.

For Respondent(s) : Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

07/08/2025

This pre-arrest bail application is filed for granting bail to the accused person namely Abhijit Debnath in connection with Dharmanagar PS case No.23 of 2025 for the offence punishable under Section 117(2)/74/3(5) of BNS, 2023.

Heard Learned Counsel, Mr. Samrat Ghosh appearing on behalf of the accused-applicant and also heard Learned P.P., Mr. Raju Datta appearing on behalf of the State-respondent.

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

In course of hearing, Learned Counsel for the applicant-accused Mr. Ghosh submitted that initially in this case, three accused persons were granted bail by the Learned Trial Court and thereafter another accused Nityananda Debnath was granted pre-arrest bail by this Court on 21.07.2025. Referring the contents of the FIR, Learned Counsel drawn the attention of this Court that admittedly some scuffling took place but there was no

motive on behalf of the accused-applicant to outrage the modesty of the women-victim of this case and considering the injury report and other materials on record, Learned Counsel urged for allowing pre-arrest bail application of the present accused.

On the other hand, Learned P.P. appearing on behalf of the State-respondent opposed the bail application and submitted that there is evidence of outraging the modesty against the accused-applicant as such, at this stage there is no scope to release him on pre-arrest bail. Considered.

In this case, the prosecution was set into motion on the basis of an FIR laid by one Smt. Bina Sharma alleging inter alia that on 08.03.2025 in between 2100 hours to 2130 hours at Pongati Chowmuhani, New Bhagaypur some miscreants attacked her, her husband and also her sister-in-law namely Smt. Prativa Sharma for which they sustained injury and undergo medical treatment. Based on the FIR laid by Smt. Bina Sharma, this present case was registered. Initially before the Learned Trial Court, the IO produced three accused persons namely Sankar Nama, Nirupam Debnath and Arindam Nath on 09.03.2025 and thereafter by order dated 12.03.2025, they were granted bail by the Learned Trial Court and another accused namely Nityananda Debnath approached this High Court for granting pre-arrest bail and accordingly by order dated 21.07.2025 this Court in A.B. No.49 of 2025 granted pre-arrest bail to the said accused.

I have perused the Case Diary. The IO of this case by this time has collected injury report of the victims and also

recorded the statement of some of the witnesses who are/were conversant with the facts of the prosecution case.

It is on record that all the accused persons indiscriminately attacked upon the victims resulting which all of them sustained injury but their injury was not sufficient enough to detain the accused persons in custody. However, the Learned Trial Court accordingly considered their bail application and released them on bail.

In respect of the present accused, it is on record that he also participated in the commission of offence on that relevant day but there is no direct allegation against him for outraging of modesty and also from the statements of witnesses upto this stage, there is no materials on record that how the present accused outraged the modesty of the alleged victims. As such, considering the materials on record at this stage, I find no scope to refuse his bail application. Accordingly, this pre-arrest bail application filed by the accused-applicant is allowed with the following terms and conditions:-

- i) That the accused shall make him available for before IO as and when called for.
- ii) That the accused shall not visit the location where the informant resides along with their family members till disposal of the case.
- iii) The accused shall not make any attempt to tamper the evidence on record of the prosecution.

In the event of arrest, the accused shall execute a bond of Rs.25,000/- with one surety of like amount to the satisfaction of O/C of the concerned PS.

In case of violation 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 accused-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

