

**HIGH COURT OF TRIPURA
AGARTALA
A.B.No.58 of 2025**

Loknath Debnath,
Age 30 years,
son of Haripad Debnath,
resident of Khamartilla,
P.S. Kalyanpur, District-Khowai Tripura,
Pin-799207

---- Applicant(s)

Versus

The State of Tripura,
(To be represented by the Learned Prosecutor,
Hon'ble High Court of Tripura)

----Respondent(s)

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

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

26/08/2025

This pre-arrest bail application under Section 482 of BNSS is filed for granting pre-arrest bail against the petitioner accused in connection with Khowai P.S. Case No.27 of 2025 under Section 126(2)/132/121(2)/109/3(5) of BNSS.

Heard Learned counsel, Mr. Samarjit Bhattacharjee appearing on behalf of the petitioner accused and also heard Learned Addl. P.P., Mr. Rajib Saha appearing on behalf of the State-respondent. As ordered earlier, the Case Diary is produced by Learned Addl. P.P. and received the record from the Learned Trial Court.

Taking part in the hearing, Learned counsel for the petitioner first of all drawn the attention of the Court referring the contents of the FIR and submitted that there is only one allegation against the present petitioner accused on that relevant point of time the petitioner who was found to be involved in some other forest cases in other sub-division under the district. Excepting this allegation, no other

allegations are there against the petitioner accused. It was further submitted by Learned counsel that till today the present petitioner was not behind the bar in any other cases and furthermore, during investigation of the case, the prosecution also could not submit sufficient medical evidence on record to substantiate the imputation leveled against the present petitioner accused. So, in summing up Learned counsel urged for granting pre-arrest bail to the petitioner accused in any condition.

Reference was made in one of the judgment of the Supreme Court of India in **Siddharam Satlingappa Mhetre versus State of Maharashtra and Others** reported in **(2011) 1 SCC 694** wherein in para Nos.89, 90 and 112 Hon'ble the Apex Court observed as under :

"89. It is imperative for the courts to carefully and with meticulous precision evaluate the facts of the case. The discretion must be exercised on the basis of the available material and the facts of the particular case. In cases where the court is of the considered view that the accused has joined investigation and he is fully cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided.

90. A great ignominy, humiliation and disgrace is attached to the arrest. Arrest leads to many serious consequences not only for the accused but for the entire family and at times for the entire community. Most people do not make any distinction between arrest at a pre-conviction stage or post-conviction stage. Whether the powers under section 438 Cr.P.C. are subject to limitation of section 437 Cr.P.C.?"

112. The following factors and parameters can be taken into consideration while dealing with the anticipatory bail:

i. The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;

ii. The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;

iii. The possibility of the applicant to flee from justice;

iv. The possibility of the accused's likelihood to repeat similar or the other offences.

v. Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

vi. Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people.

vii. The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which accused is implicated with the help of sections 34 and 149 of the Indian Penal Code, the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern;

viii. While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors namely, no prejudice should be caused to the free, fair and full

investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;
ix. The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;
x. Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail."

Referring the same, Learned counsel submitted that in the aforesaid case also the Hon'ble Supreme Court granted bail and considering the present nature of the prosecution, there is no scope to disallow the bail application filed by the petitioner accused. So, Learned counsel urged for considering the bail application.

On the other hand, Learned Addl. P.P. opposed the bail application filed by the petitioner accused and referring the statements of witnesses recorded by IO during the stage of investigation urged before the Court that the materials on record do not justify to consider the pre arrest bail application filed by the petitioner accused. So, Learned Addl. P.P. prayed for dismissal of the pre arrest bail application filed by the petitioner accused.

Considered.

In this case, the gist of the prosecution in short is that on 09.06.2025 one Ratnajit Chakma, Forest Range Officer of Tulashikhar Forest Range laid an FIR to O/C Khowai P.S. alleging inter alia that on 09.06.2025 at 11.30 am based on the secret information he along with In-Charge Forest Protection Unit, Khowai and his team went to Bachaibari area and found one Bolero Pick Up vehicle bearing registration No.TR08D1675 loaded with some illegal sawn timber stranded at Bachaibari area along the NH—208 and thereafter the vehicle was seized with illegal sawn timber. It was further submitted that on that relevant point of time based on another information a part of their team was sent to Kamala Bagan area under Champahour P.S. and in the meantime due to shortage of staff he himself started driving

the vehicle from the forest range office at Khowai along with few staffs. On the way few persons stopped their vehicle showing Barak bamboo and G.I. pipe at Barabil area under Khowai P.S. The condition of the place so selected over the NH-208 was very poor and taking that as an advantage, they have attacked within a few second for snatching the said vehicle from their custody. They hit the vehicle as well with G.I. pipe, Barak bamboo and damaged the vehicle also. They also have hit his staff namely Sri Biplab Majhi, Forest Guard with glass bottle. But they could not apprehend the attackers due to shortage of staffs but among them one person namely Sri Loknath Debnath have been identified who was found involved in other forest cases in other sub divisions under the District. Thereafter, they took the vehicle at Forest Range office, Khowai for safe custody and also intimated the CJM Court, Khowai about the seizure with Form No.07. They went to Khowai Hospital for immediate treatment of himself and other staff. The attack was so dreadful and the consequences has made blood clot in his back. Due to the severeness and treatment he could not submit his request on the day for FIR. These are the sum and substances of the FIR.

I have also perused the case diary produced by Learned Addl. P.P. By this time the IO has recorded the statement of some of the witnesses who are conversant about the facts of the present case. Also I have perused the injury report of the victims. According to the concerned Medical Officer the injury report of the victims are simple in nature and all the witnesses of the prosecution whose statements have been recorded by IO also reiterated the same fact as narrated by the informant in the FIR. Further, from the contents of the FIR it also could not be ascertained as to how the present petitioner accused participated in the alleged commission of offence. The citation as referred by Learned Counsel for the petitioner has also discussed about the

principle in dealing with the matters in respect of granting pre arrest bail.

So, considering the facts and circumstances and after hearing both the sides it appears to this Court that this is a fit case where the concession of pre arrest bail can be granted to the present petitioner. So considering all, the pre-arrest bail application filed by the accused applicant is hereby allowed. The accused applicant namely, Loknath Debnath may be released on bail in the event of his arrest of his execution of bond of Rs.25,000/- (Rupees twenty five thousand) with one surety of like amount to the satisfaction of O/C of concerned PS with the following terms and conditions :-

- (i) The accused-applicant shall make himself available before I/O as and when called for, for the sake of investigation.
- (ii) The accused applicant shall not leave the jurisdiction of O/C of concerned PS till completion of investigation or without permission of O/C.
- (iii) The accused applicant shall not make any attempt to tamper evidence on record of prosecution. In the event of violation of the terms and conditions of the bail, the I/O shall be at liberty to approach to the concerned Court by filing appropriate application in due course of time for cancellation of bail.

This pre-arrest bail application accordingly stands disposed of and allowed.

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 Learned Counsel appearing for the applicant.

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

JUDGE

Sabyasachi B