

**HIGH COURT OF TRIPURA
AGARTALA
AB No.59 of 2025**

Sri Banti Das,
Son of Sri Kanai Das,
Resident of Lichubagan, near Rosedale Apartment,
P.O. Kunjaban, P.S. N.C.C., District: West Tripura

---Applicant

-Vs-

The State of Tripura

---Respondent

For Applicant(s)	:	Mr. Rounak Chakraborty, Adv. Mr. Samrat Sarkar, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

27/08/2025

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

This pre-arrest bail application under Section 482 of BNSS, 2023 is filed for granting pre-arrest bail to the accused person in connection with NCC PS case No.42 of 2025 for the offence punishable under Section 329(4)/117(2)/117(3)/351(3)/3(5) of BNS Act, 2023.

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

Taking part in the hearing, Learned Counsel appearing for the accused-applicant Mr. Rounak Sarkar drawn the attention of the Court that the contents of the FIR does not cover the ingredients of offence punishable under Section

329(4)/117(2)/117(3)/351(3)/3(5) of BNS and considering the materials on record the present applicant deserves to be released on pre-arrest bail. It was further submitted that the other two accused persons by this time have granted bail by the Learned Trial Court. So, Learned Counsel for the applicant urged for considering the bail application filed by the accused-applicant.

On the other hand, Learned P.P. Mr. Raju Datta appearing on behalf of the State-respondent opposed the bail application and submitted that the allegation as contained in the FIR is sufficient enough to reject the bail application. However, the investigation of the case is in progress and Learned Sessions Judge, West Tripura, Agartala in earlier occasion also dismissed the bail application filed by the present accused-applicant. So Learned P.P. urged for dismissal of the application for the sake of proper investigation of the case.

Considered.

The prosecution allegation, in short is that on 01.07.2025 one Subhankar Ranjan Bhowmik being the informant of this case laid an FIR to O/C, NCC PS alleging *inter alia* that on 29.06.2025 at 06.20 pm with an issue of immersion of idol of 'Bipadnashini Maa' one Banti Das, Mandip Das, Kanai Das, Bittu Saha, Sayan Saha, Pranoy Ghosh and some others near Rosedale Apartment suddenly came to the residence of the informant and started using filthy languages towards him and his family members. After hearing the same when the informant along with his younger brother namely Dipankar Bhowmik and one guest Debabrata Chowdhury came out, suddenly the present applicant-accused with an intention to kill his younger brother gave a hard blow on

his head with an iron rod and due to this blow his younger brother sustained grievous injury on his head. That time, the informant along with his old aged father and mother and guest tried to rescue him from their clutch when they also assaulted him and his parents and said Debabrata Chowdhury with feast and blows and torned their wearing clothes. The victim was immediately brought to AGMC and GBP Hospital for treatment. It was further mentioned in the FIR that they have assaulted them with a piece of rod with an intention to kill one of them but due to grace of God they could save themselves. This is the sum and substance of the FIR and on the basis of the FIR the aforesaid case has been registered.

It is on record that by this time one of the accused Kanai Das was produced under arrest and later on he was granted bail and another accused Mandip Das was granted pre-arrest bail by Learned Sessions Judge by order dated 30.07.2025 in Bail Application No.121 of 2025 disallowing the bail application filed by the present accused-applicant. The investigation of the case is in progress. By this time the I.O. of this case has recorded the statement of some of the witnesses who are conversant with the facts and circumstances of the case and also has procured the injury report of the alleged victim. I have also perused the injury report of the victim and the statements of the witnesses so far collected by I.O. up to this stage of investigation. The act conducted by the accused is no doubt unbecoming being a citizen of the country. However, since the injury sustained by the victim to his head appears to be simple. So considering the nature of injury of the victim the present accused-applicant may be enlarged on pre-arrest bail subject to some terms and conditions. Accordingly the bail application filed by the accused-applicant is

hereby allowed. The accused-applicant may be enlarged on bail in the event of his arrest of his execution of Rs.25,000/- (twenty five thousand) with one surety of like amount to the satisfaction of the Officer-in-Charge of the concerned P.S. with the following terms and conditions:

(i) that the accused applicant shall make himself available before the I.O. for interrogation as and when called for,

(ii) that the accused applicant shall not make any attempt to tamper the evidence on record of the prosecution nor shall make any attempt to cause any trouble to the informant and his family members during the period he remains on bail

(iii) that the accused applicant shall not leave the jurisdiction of the concerned P.S. without prior permission of the concerned Officer-in-Charge.

In the event of violation of any of the conditions of bail the prosecution shall be at liberty to file appropriate application to the concerned Court for cancellation of the privilege of bail granted to the accused-applicant.

With this observation this pre-arrest bail application stands allowed and disposed of.

A copy of this order be supplied to Learned Counsel appearing for the accused-applicant for information and compliance.

Return back the CD to the I.O. through Learned P.P.

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

**MOUMITA
DATTA**

Moumita

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DATTA
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JUDGE