

**HIGH COURT OF TRIPURA
AGARTALA
B.A. No.72 of 2025**

Smt. Swapna Chakraborty (Ghosh),
W/O Sri Amit Ghosh,
R/O Maharanipur, Ward No.3
P.S.- Teliamura, Khowai Tripura

**.... Petitioner on behalf of the
Accused person-in-custody**

Sri Amit Ghosh (42),
S/O Rabindra Ghosh
R/O Maharanipur, Ward No.3
P.S.- Teliamura, Khowai Tripura

.... Accused Person-in-custody

Versus

The State of Tripura

.....Respondent.

For Applicant(s)	:	Mr. Subrata Sarkar, Sr. Adv. Mr. Kabrabam Dharendra Singha, Adv. Ms. Megha Sarkar, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

04/09/2025

This bail application under Section 483 of BNSS, 2023 is filed for granting bail of the accused Amit Ghosh in connection with Teliamura P.S. Case No.048 of 2024 corresponding to case No.S.T. (T-1) 24 of 2024 under Section 103(1)/61(2)/238 of BNS

Heard Learned Senior Counsel, Mr. S. Sarkar assisted by Learned Counsel, Mr. K. D. Singha and Learned Counsel, Ms. Megha Sarkar appearing on behalf of the accused person in custody and also heard Learned P.P., Mr. Raju Datta appearing on behalf of the State-respondent.

As ordered earlier Learned P.P. has produced the CD today also we have received the record from the Learned Trial Court.

At the time of hearing, Learned Senior Counsel, Mr. S. Sarkar appearing on behalf of the accused first of all drawn the attention of the Court that the accused-in-custody has been incarceration in jail on and from 21.07.2024 and by this time the I/O of this case has submitted charge-sheet against this present accused and another woman who by this time has been enlarged on bail by the Learned Trial Court and after framing of charge the case is now posted for evidence of prosecution witnesses but inspite of fixing one or two calendars no witnesses have turned up.

It is further submitted by Learned Senior Counsel appearing for the accused-in-custody that the wife of the accused is suffering from illness and she requires some urgent surgery, so considering the ailment of the wife of the accused he may be enlarged on bail in any condition at least on interim bail also.

Learned Senior Counsel again submitted that this case is entirely based upon circumstantial evidence, there is no direct eye witness on record that this present accused has committed the crime. Furthermore, the accused himself appeared before I/O, so there is no chance of his absconsion during trial. So if he is released on bail at this stage there is no chance of tampering the evidence on record of the prosecution. So for the sake of justice Learned Senior Counsel urged for releasing the accused on bail.

On the other hand, Learned P.P., Mr. R. Datta appearing on behalf of the State-respondent has drawn the attention of the

Court that the present accused is directly involved with the alleged murder of the deceased. Learned P.P. also submitted that although the case is based upon circumstantial evidence but from the disclosure statement and other circumstantial evidence the involvement of the accused cannot be ruled out. It is further submitted that the medical prescription submitted is of one month back and from the same it appears that there is no urgency of any surgery and furthermore, another accused has been granted interim bail and there was prayer for holding custody trial of the accused. So, in such a situation at this stage it would be unjust to release the accused on bail and urged for dismissal of the bail application.

I have heard both the sides at length and perused the record of the Learned Court below. It is on record that earlier this present accused preferred one bail application to this Court and by order dated 13.12.2024 this Court rejected his bail application with a direction to the prosecution to produce the witnesses and with a direction to the Learned Trial Court to complete the trial at an earliest convenience. The I/O laid charge-sheet before the Learned Trial Court within time and by this time the charge is framed by Learned Trial Court on 17.01.2025 and thereafter dates were fixed for prosecution witnesses. Surprisingly inspite of fixing two calendars prosecution could not adduce any witness in this case till today before the Learned Trial Court. The manner in which the prosecution is conducting the case is very unfortunate. In one side the prosecution is praying for custody trial and on other side

prosecution is not adducing any witness to substantiate the charge levelled against the accused.

Charge-sheet in this case is admittedly filed against this present accused and another but until the conclusion of trial there is no scope to presume that the present accused has committed murder of the deceased and furthermore, this case is entirely based upon circumstantial evidence on record. There is no direct eye witness that he has committed the murder of the deceased. As already stated inspite of fixing two calendars prosecution has failed to adduce any witness till today.

I have also annexed the documents submitted on behalf of the accused. It appears that the wife of the accused is suffering from some ailment and the doctor has advised some radiological treatment and Ultra Sonography for abdomen and pelvis. It may so happen that in absence of the accused it would be difficult on the part of the wife of the accused to arrange for her proper treatment. It is also on record that the accused during investigation himself appeared before at PS.

So, considering the facts and circumstances of the case and the period of incarceration of the accused-in-custody at this stage it appears to this Court that for the purpose of treatment of the wife of the accused, he shall be given the scope of interim bail till next date i.e. till 20.09.2025. On that day he shall surrender before the Learned Trial Court and Learned Trial Court shall considering the facts and circumstances of the case as well the evidence on record may consider further extension of bail or refusal of bail if any.

Accordingly, it is ordered that the accused shall execute bond of Rs.1,00,000/- with one surety of like amount to the satisfaction of the Learned Trial Court with condition that till next date he shall appear before the Learned Trial Court once in a week in default the accused shall remain in J/C as before.

From the record it appears that the conduct of the prosecution is not at all satisfactory to adduce the witnesses. Learned Trial Court is accordingly asked to take necessary steps for recording evidence of the witnesses of the prosecution, so that the case may be disposed of giving top priority at an earliest convenience.

With these aforesaid observations, the present bail application stands disposed of.

A copy of this order be supplied to Learned Senior Counsel, Mr. S. Sarkar for the prosecution for information and compliance.

Return back the CD to I.O. through Learned P.P. along with a copy of this order.

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

JUDGE

Amrita

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