

**HIGH COURT OF TRIPURA
AGARTALA**

A.B. No.64 of 2025

Smt. Sanchita Das
W/O Sri Bishal Das,
Of Khayerpur, Mundapara, P.S-bodhjangnagar,
P.O-Khayerpur, Dist-West Tripura.

----- Accused-Applicant

Versus

The State of Tripura

-----Respondent(s)

For Applicant(s) : Mr. Arjun Acharjee, Adv.
For Respondent(s) : Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT
Order

09/09/2025

Heard Learned Counsel, Mr. Arjun Acharjee 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 namely Sanchita Das in connection with East Agartala Women PS case No.90 of 2025 for the offence punishable under Section 305/316(5)/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 applicant-accused, Mr. Arjun Acharjee first of all drawn the attention of the Court referring the contents of the FIR that on the basis of an FIR against unknown persons laid by one Pritam Das being the owner of M/S SR Motors, Kashipur, this present case has been registered. Learned Counsel further drawn the attention of

the Court that the present applicant was an employee of the said workshop and in course of discharging her duties, she could realize that some foul play was going on. Accordingly, she intimated the fact to the owner of the workshop and thereafter she resigned from her job on 14.07.2025. On her approach, the owner assured her that appropriate steps would be taken by him and thereafter the owner-cum-informant laid the FIR. It was further submitted by Learned Counsel for the applicant-accused that the said applicant-accused had submitted one FIR to O/C, East Agartala Women PS against Suraj Singha, Purnendu Das, Uttam Sarkar but as no action was taken on the FIR laid by her, so, the present applicant thereafter on 11.08.2025 also submitted one communication to SP, West Tripura requesting to direct the O/C of the concerned PS for registration of the case. But inspite of her effort, no action was taken. Now, she is apprehending that she may be arrested in connection with this case as the informant-cum-owner of the workshop is constantly threatening her that she will be arrested in this case. As such, this present application is filed. Learned Counsel finally submitted that since the applicant is a woman and she is ready to cooperate with the investigation so the concession of pre-arrest bail may be granted to the applicant. It was also submitted that earlier the applicant approached to the Learned Sessions Court for granting of pre-arrest bail which was rejected by Learned Addl. Sessions Judge, Court No.5, West Tripura, Agartala by order dated 22.08.2025 in connection with B.A. No.132 of 2025.

On the other hand, Learned P.P. Mr. Raju Datta appearing on behalf of the State-respondent producing the Case Diary first of all drawn the attention of the Court that in this case two persons have been arrested and are presently lodging in judicial custody and at their instance some stolen articles have been recovered and from the statement of the owner and from the interrogation report, it transpires that the present applicant-accused was also involved with the alleged crime, as such, at this stage there is no scope to consider the prayer of the present applicant-accused. In support of his contention, Learned P.P. also referred one citation of Hon'ble Supreme Court of India reported in **(2019) 9 SCC 24 [P. Chidambaram Vs. Directorate of Enforcement dated 05.09.2019]** wherein in para No.69, Hon'ble the Apex Court observed as under:

"Grant of anticipatory bail in exceptional cases

69. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 CrPC is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of the applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy."

Referring the same, Learned P.P. has drawn the attention of the Court and submitted that considering the nature and gravity of the offence, there is no scope to consider the

application filed by the present applicant-accused at this stage and urged for dismissal of the bail application.

Considered.

As already stated, this present prosecution has been set into motion on the basis of an FIR laid by one Pritam Das being the owner of M/S SR Motors to O/C, East Agartala PS alleging *inter alia* that some spare parts from his stock were found missing on 07.08.2025 at about 4 pm and in course of search, it appeared to him that the cost of the stolen articles would be around 7-8 lakhs and he was suspecting that the employees of his workshop may be involved with the alleged crime and on the basis of that, the present case has been registered. Admittedly, the details of the stolen articles were not mentioned in the FIR. In course of investigation, two accused persons namely Diptanu Paul and Dhananjoy Shil alias Santu were intercepted by the police and they are produced before the Court under arrest and at their instance some stolen articles were recovered which were duly identified by the informant of this case as the stolen articles of his workshop. The investigation of the case is in progress.

I have also perused the Case Diary produced by Learned P.P. and also gone through the statement of witnesses recorded by IO in course of investigation of this case.

From the statement of the informant, it transpires that the informant before the police stated that the present applicant and some other employees of the workshop were suspecting to be involved with the alleged crime.

However, by this time, two old employees/staff of his workshop were taken into custody by police. From the interrogation report of the custody accused persons, it appears that they have indicated the name of the present applicant-accused to be involved with the alleged crime but surprisingly, those persons as a faithful staff of the workshop did never disclose the fact to the owner of the workshop regarding the involvement of the applicant-accused with the alleged crime at any point of time. It may so happen that to save their skin they have implicated the name of the present applicant. Even from the statement of informant, no specific assertions revealed against the present applicant.

However, on perusal of the Case Diary, I do not find any other materials showing implication of the accused with the alleged crime at this stage. Since the investigation of the case is in progress, so at this stage it is not prudent to give any specific observation regarding innocence of the present applicant-accused. However, since the applicant is a woman and by this time, the IO has recovered and seized some stolen articles from the possession of other two accused persons who are lodging in jail, so, in the considered opinion of this Court I do not find any justified grounds for custodial interrogation of the present applicant-accused in custody.

Hence, the pre-arrest bail application filed by the present applicant-accused stands allowed.

In the event of arrest, the applicant-accused may be enlarged on bail of her execution of bond of Rs.25,000/- with one

surety of like amount to the satisfaction of O/C of the concerned PS with the following terms and conditions:

- i) That the accused shall make herself available before IO as and when called for.
- ii) That the accused shall not make any attempt to tamper evidence on record of the prosecution.
- iii) That the accused shall not leave the jurisdiction of the O/C of the concerned PS without prior permission from O/C of the concerned PS.

However, if in course of investigation, it transpires that the applicant-accused is not cooperating with the investigating agency, in that case, the IO shall be at liberty to approach to the concerned Court for cancellation of bail granted to the present applicant-accused.

It is to be mentioned here that on perusal of FIR filed by the informant *prima facie* it appears that there are allegation of sexual abuse to the applicant which amounts to cognizable offence. It is not clear as to whether any FIR by this time has been registered or not. Prosecution is to look into the matter.

With this observation, this present anticipatory bail application stands disposed of.

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

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 for information and necessary
action.

JUDGE

