

**HIGH COURT OF TRIPURA
AGARTALA
AB No.68 of 2025**

Daim Ali, aged 20 years,
Son of Shabaj Ali,
Resident of Lathiapura,
P.S. Irani, District: Unakoti, Tripura

---Applicant

-Vs-

The State of Tripura
Represented by the Ld. Public Prosecutor

---Respondent

For Applicant(s)	:	Mr. Sovan Mahajan, Adv. Ms. Sarama Deb, Adv.
For Respondent(s)	:	Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

22/09/2025

This pre-arrest bail application under Section 482 is filed for granting bail to the accused-applicant in connection with Irani P.S. Case No.27 of 2025 registered under Section 191(2)/190/132/121(i)/61(2)/109 of BNS.

Heard Learned Counsel Ms. S. Deb and Mr. S. Mahajan, Learned Counsel appearing for the accused-applicant and also heard Learned Addl. P.P. Mr. R. Saha appearing for the State-respondent.

Taking part in the hearing Learned Counsel appearing for the applicant drawn the attention of the Court referring the contents of the FIR. Referring the same she submitted that from the contents of the FIR it will be clear that so many persons were present to the alleged P.O. at the time of alleged occurrence. But surprisingly prosecution could not satisfy the Court as to how the accused could be identified. She also drawn the attention of the Court that earlier the said applicant approached for bail to the

Court of Learned Addl. Sessions Judge, Unakoti District, Kailashahar and the Learned Addl. Sessions Judge by order dated 26.08.2025 in connection with Criminal (Misc) Case No.31 of 2025 in connection with Irani PS Case No.27 of 2025 was pleased to reject the bail application filed by the accused-applicant. It was also submitted that the injury of the informant and others were simple in nature. But the police at the time of registration of this case has registered the case incorporating so many sections under Section 191(2)/190/132/121(1)/61(2)/109 of the BNS with a view to dismissal of the bail application of the accused persons. It was further submitted that on the alleged date and time the applicant was not present to the alleged P.O. rather he was undergoing treatment at Silchar and in this regard Learned Counsel Ms. S. Deb drawn the attention of the Court referring one prescription and cash memo of Silchar (Annexure-3) from which it appears that on 28.07.2025 he was at Silchar Assam and the present incident took place on 29.07.2025 at about 2320 hours then how the accused could come to Kailashahar from Silchar on that relevant point of time. So his presence was also doubtful to the alleged P.O. on that relevant point of time. However, considering the nature and gravity of the offence and the involvement of the applicant Learned Counsel urged for releasing him on bail in any condition. It was further submitted that although in the FIR the name has been mentioned as Daheem Mia but the present applicant is namely Daim Ali. But the police is constantly pursuing to this residence for his arrest so he is apprehending that he may be arrested in connection with this case. So Learned Counsel urged for taking note of the said fact at the time of considering the bail application.

On the other hand, Learned Addl. P.P. Mr. R. Saha appearing on behalf of the State-respondent opposed the bail application and submitted that there is sufficient material against the accused-applicant showing his implication with the alleged offence and furthermore he is FIR named. So considering the nature and gravity of the offence he urged for rejection of the bail application by producing the CD.

Considered.

In this case the prosecution was set into motion on the basis of an FIR laid by one Inspector Vikas Kumar on 30.07.2025 to O.C., Irani P.S. alleging inter alia that on 29.07.2025 on a specific information regarding smuggling of some contraband items by the border criminals of Border Fence Gate No.59, BOP Lathiapura all ACPs were alerted. At about 2320 hours Inspection Vikas Kumar, Coy 21C "C" Coy and HC, (G) Rishipal Singh left BOP Lathiapura for performing motor cycle patrolling. On reaching border fence they observed that some villagers were roaming in suspicious manner near IBBR in contravention of Section 163 of BNSS promulgated by DM, Unakoti. Being asked they could not give any specific reply and out of those person a few of them were in possession of sharp edged objects as well as lathis trying to encircle and assault Inspector Vikas Kumar and HC (G) Rishipal Singh. Analysing the situation both tried to maintain safe distance from the mob. During that time the mob beaten up Head Constable Rishipal Singh and pelted stones on them. Resultantly both BSR personnel got minor injuries. Sensing danger to their life both returned back to BOP Lathiapura at about 2345 hours which was at a distance of approximately 200 meters away from the

spot. This incident was reported to Coy Commander C Coy and he called the QRT. Meanwhile, Coy Commander departed along with 03 personnel for P.O. and when they reached at a distance of approximately 50 meters from the BOP Lathiapura an unlawful assembly of 30-35 villagers started pelting stones towards BSF party led by Coy Commander and others. Sensing danger to their life again they returned back to BOP. By that time QRT had arrived in 001BOP at about 0010 hours and again COY Commander departed for P.O. to find out miscreants involved in stone pelting on BSF troops. When they reached at a distance of approximately 80-90 meters from BOP Lathiapura, an unlawful assembly of 70/80 villagers including female who were in possession of sharp edged objects in their hands with intention of forceful entry into BOP Lathiapura by obstructing public servant in discharging their duties and with an intention to cause grievous injury assaulted and started pelting stone/bricks. Thereafter SHO of PS Irani was approached and accordingly SI Abu Awal along with 5 personnel of PS Irani reached BOP Lathiapura at about 0115 hours. Village Pradhan and Ward members of village Lathiapura were also called upon to apprise them about the incident of physical assault on BSF troops resulting which 3 BSF personnel sustained injuries. It was further mentioned in the FIR that Raju Mia, Javed Mia, Manohar Ali, Daheem Mis and Sakhan Ali were involved with the alleged offence. Hence the FIR was laid.

On receipt of the FIR this present case was registered and the investigation of the case is in progress. By this time the present applicant and others approached to the Court of Learned Sessions Judge, Unakoti District Kailashahar and their bail petition was rejected. The present case is registered under Section

191(2)/190/132/121(1)/61(2)/109 of BNS. The investigation of the case is in progress. I have also gone through the record of the Learned Trial Court and also the CD produced by I.O. through Learned Addl. P.P. By this time the I.O. has recorded the statements of some of the witnesses of the prosecution who are conversant with the facts and circumstances of this case. From the statements of the BSF personnel recorded by I.O. it appears that at the time of making their statements to I.O. they have reiterated the same fact as mentioned in the FIR. I have also perused the inquiry report of the victims. The injuries are also simple in nature.

At the time of hearing Learned Counsel for the applicant first of all submitted that the accused was at Silchar on that relevant point of time. In this regard excepting one prescription other documents could not be produced showing that on 29.07.2025 he was not present at Kailashahar to the alleged P.O. and furthermore from Silchar to Agartala anybody can easily arrive at any point of time. Moreso, if there is any other evidence remains under the custody of the accused-applicant the same can only be considered during trial of the case not during the stage of investigation as opined by Learned Addl. Sessions Judge. I also concur with the same proposition made by Learned Court below. Furthermore, regarding name of the accused-applicant in the FIR it is mentioned as Daheem Mia but the present applicant has filed the petition mentioning his name as Daim Ali. But the father's name of the accused-applicant in the FIR and also in the petition for bail is also same. So the plea taken by the Learned Counsel appearing for the accused on the above two grounds cannot be accepted at this stage as a valid ground. However, regarding

involvement of the present accused-applicant to the alleged offence it is not disputed that the present accused-applicant is FIR named. From the contents of the FIR it is clear that on the alleged day initially some villagers were appeared near border fencing Gate No.59. After that 70/80 villagers were present nearby BOP who according to the prosecution attacked upon the BSF personnel. From the statement of witnesses recorded by I.O. up to the stage of investigation it cannot be ascertained how the present accused-applicant participated in the commission of crime although his involvement under Section 3(5) of BNS cannot be ruled out. But at the same time how he participated in the commission of crime was not clear. Furthermore, it is also not cleared by the prosecution as to what was the role of the alleged accused-applicant with the alleged crime whether he directly participated in the commission of crime or he appeared to the P.O. simply as a villager or not that could not be clearly explained by the prosecution and I also do not find any sufficient materials in the CD up to this stage showing the degree of involvement of the accused person with the alleged offence. Furthermore, there is also no such prayer from the side of I.O. regarding custodial interrogation of the accused either to this Court or to the Learned Court below. However, the investigation of the case is in progress. At this stage it is not possible to give any specific observation regarding innocence of the accused or regarding guilt of the accused. So considering the nature and gravity of the case it appears to this Court this is a fit case where the concession of pre-arrest bail be granted to the accused-applicant. Accordingly the application for granting pre-arrest bail filed by the applicant is hereby allowed. In the event of arrest the accused-applicant may

be released on bail of his execution of bond of Rs.50,000/- (fifty thousand) with one surety of like amount to the satisfaction of O.C. of the concerned P.S. with the following terms and conditions:

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

(ii) the accused shall not leave the jurisdiction of the O.C. of concerned P.S. without prior permission of O.C. of the concerned P.S.

(iii) the accused-applicant shall not directly or indirectly make any inducement threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer i.e. the I.O. during investigation of this case failing which the I.O. shall be at liberty to approach to the concerned Court of jurisdictional Magistrate for cancellation of the privilege of bail granted to the accused-applicant.

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

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

A copy of this order be supplied to Learned Counsel appearing for the applicant in the course of the day.

In view of the above, this anticipatory bail application stands disposed of.

**MOUMITA
DATTA**

Moumita

Digitally signed by
MOUMITA DATTA
Date: 2025.09.22 05:47:19
+05'30'

JUDGE