

**HIGH COURT OF TRIPURA
AGARTALA
B.A.No.74 of 2025**

Smt. Sipra Kar Deb,
W/o: Sri Pranesh Deb,
R/o: Dhalabil, Khowai,
P.S. Khowai, Dist: Khowai Tripura.

---- Applicant (s)

On behalf of

Sri Pranesh Deb,
S/o: Late Dhananjoy Deb,
R/o: Dhalabil, Khowai,
P.S. Khowai, Dist: Khowai, Tripura.

---- Accused-in-custody (s)

Versus

The State of Tripura

----Respondent(s)

For Applicant(s)	:	Mr. Bhaskar Deb, Adv. Mr. Ramprasad Gope, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

19/09/2025

This bail application under Section 483 of BNSS, 2023 is filed for granting bail to the accused in custody namely, Sri Pranesh Deb who is lodging in jail in connection with Kalyanpur PS Case No.2024 KLN 022 under Sections 316(5)/318/336 of BNS, 2023.

Heard Learned Counsel, Mr. Bhaskar Deb appearing on behalf of the accused in custody. Also heard Learned P.P., Mr. Raju Datta appearing on behalf of the respondent-State.

At the time of hearing, Learned Counsel for the accused in custody submitted that the accused has falsely been implicated in the present case and he has been incarceration in jail for a considerable period of time. Learned Counsel referring the contents of the F.I.R.

submitted that in the F.I.R. nothing is mentioned against the accused in custody as to when and how he committed the offence and furthermore, although the case is registered under Sections 316(5), 318 and 336 of BNS, 2023 but excepting Section 316(5) of BNS, 2023, other offences are bailable in nature. Learned Counsel further submitted that there is no evidence on record regarding entrustment of any property to the accused in custody and to establish a charge under Section 316(5) of BNS, entrustment is to be proved. Prosecution also could not establish by adducing evidence on record as to how and when the documents were manufactured by the accused in custody. It is also not on record how the consumers, as alleged, were cheated or defrauded by the accused in custody. Learned Counsel again submitted that the accused in custody is an aged person of 73 years. So, considering the facts and circumstances of this case and his old age, he may be released on bail in any condition.

On the other hand, Learned P.P. for the respondent-State first of all drawn the attention of this Court to the contents of the F.I.R. and the statements of different witnesses recorded by I.O. which are annexed in the case diary and referring those statements, Learned P.P. submitted that the accused in custody being the Manager of the alleged Cooperative Society procured huge amount of public money and cheated the consumers by giving false assurance. It was also submitted by Learned P.P. that the accused in custody put his signatures in the respective passbooks of the consumers but ultimately the money procured by him were not deposited to the bank account. Furthermore, the present accused himself by giving written undertaking assured to repay the defrauded amount to the Cooperative Society. In such a situation, there is no scope to presume the accused

in custody to be innocent and furthermore, in this case the charge-sheet has already been submitted. So, the bail application is infructuous and Learned P.P. urged for dismissal of the bail application.

I have heard submissions of both the sides and perused the relevant prosecution papers and the F.I.R.

The F.I.R. was laid by one Goutam Deb Roy and others to O/C Kalyanpur PS, Teliamura Sub-Division on 31.12.2024 alleging *inter alia* that the accused in custody was the Manager of Ghilatali Agricultural Cooperative Society situated at Ghilatali Village under Kalyanpur PS and the informants are the office bearers of the said Society. It was stated in the F.I.R. that on earlier days the accused in custody deceitfully took away Rs.40,00,000/- by preparing forged receipt or certificates from various persons of the Society and when he was asked to return the same amount to the consumers in respect of the Society, he promised to return the same within 6(six) months to every consumers and accepted the same through newspaper. But, even after relapse of 6(six) months, he has not repaid the money to any of the consumers and to the Society also. Hence, they filed the F.I.R.

On the basis of the F.I.R. this present case is registered under Section 316(5), 318, 336 of BNS, 2023. As already stated, the case was investigated and the I.O. after completion of investigation laid the charge-sheet against the accused in custody. The accused also approached before the Court of Learned Sessions Judge, Khowai Tripura for bail and Learned Sessions Judge by order dated 07.08.2025 rejected the bail application of the accused.

I have perused the case diary. In course of investigation the I.O. has recorded the statement of some of the witnesses who are/were the consumers of the said Society and from their statements

it is clear that the present accused in custody defrauded them by collecting huge amount of money from them with assurance to repay but ultimately he failed to do the same and when it was detected, he assured to repay the amount within 6(six) months but ultimately he did not repay the amount to the consumers and to the society also. Hence, the F.I.R. was laid. Further, from the case diary it appears that the accused in custody also assured to return back the money in writing but ultimately failed to return back the amount.

However, in course of hearing, Learned Counsel for the accused in custody submitted that due to physical condition of the accused in custody he resigned from the post of Manager of the said Cooperative Society but, the F.I.R. was laid after a considerable period of time.

To counter his submission, Learned P.P. drawn the attention of this Court that although the case was registered on 31.12.2024 but as the accused was absconding so, he could not be arrested and later on after arrest he was produced before the Learned Court below and since the charge-sheet is submitted, so, at this stage, there is no scope to release him on bail.

The allegation against the accused in custody is no doubt serious which attracts Section 316(5) of the BNS, 2023. However, since the charge-sheet is submitted by the I.O. against him. So, till the conclusion of trial it would not be wise to give any observation regarding his innocence or guilt with the alleged crime.

Furthermore, considering the materials on record, at this stage, I do not find any scope to consider the bail application of the accused. Accordingly, the bail application filed stands rejected.

However, the accused in custody shall have the liberty to approach to the Learned Trial Court during trial for bail, if he is so advised.

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

Send down the record to the Learned Court below along with a copy of this order. Also return back the case diary to I.O. through Learned P.P. along with a copy of this order.

JUDGE



Snigdha

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