

**HIGH COURT OF TRIPURA
AGARTALA
B.A. No.79 of 2025**

Sri Sanjoy Debnath
S/O Late Dilip Debnath
Vill- Aralia, Ghosh Para Road,
P.O. Aralia, Agartala, Ward No.34 AMC
P.S. East Agartala, District- West Tripura,
Pin- 799004

-----Applicant(s)

For and on behalf of custody accused person.

Sri Anjoy Debnath
S/O Late Dilip Debnath
Vill- Aralia, Ghosh Para Road,
P.O.- Aralia, Agartala, Ward No.34 AMC
P.S. East Agartala, District-West Tripura.
Pin-799004

-----Custody accused person (Jail Custody)

Versus

The State of Tripura
Represented by the Secretary
Department of Home, Government of Tripura
Agartala.

-----Respondent (s)

For Applicant(s) : Mr. Anjan Kanti Pal, Adv.

For Respondent(s) : Mr. Raju Datta, Public Prosecutor,
Mr. Rajib Saha, Additional Public
Prosecutor,
Mr. Sankar Lodh, Adv.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

07/10/2025

This bail application under Section 483 of BNSS, 2023 is filed for granting bail to the accused-in-custody namely, Sri Anjoy Debnath who is lodging in jail in connection with West

Agartala, Women P.S. case No.42 of 2025 under Section 64(2)(m)/319/351(3)/109/115(2) of BNS, 2023.

Heard Learned Counsel Mr. Anjan Kanti Pal appearing on behalf of the accused-in-custody and also heard Learned P.P., Mr. Raju Datta appearing on behalf of the State-respondent and Learned Counsel, Mr. S. Lodh appearing on behalf of the victim.

As ordered earlier, today Learned P.P. has submitted one report and also has produced the case diary. We have also received the record from the Learned Trial Court. Taking part in the hearing, Learned Counsel, Mr. A.K. Pal appearing on behalf of the accused-in-custody drawn the attention of the Court referring the contents of the FIR and submitted that the accused has been falsely implicated in this case and they had love relation with each other but to harass the accused-in-custody and to defame him this present case has been manufactured and in support of his contention, Learned Counsel further drawn the attention of the Court referring the copy of affidavit sworn by the informant (Annexure-C) and also the declaration annexed with the bail application made by both the informant-cum-victim and the accused of this case (Annexure-D). Learned Counsel, Mr. Pal again referred few citations and submitted that in view of the principle of the law laid down in those cases there is no scope to detain the accused furthermore in J/C and urged for releasing the accused on bail in any condition.

On the other hand, Learned P.P., Mr. Raju Datta appearing on behalf of the State respondent first of all drawn the attention of the Court the report submitted by I.O. and

submitted that the accused made deception with the informant and thereafter made physical relation with the victim and Annexure-C as relied upon by the accused was made keeping the informant-cum-victim in dark and even the date as mentioned in Annexure-D has been wrongly mentioned as 09.09.2024 in place of 09.09.2025 and all along the accused had the ill intention to deceive the victim, so, for the sake of investigation of this case, Learned P.P. urged for rejection of the bail application. Learned Counsel, Mr. S. Lodh appearing on behalf of the victim-cum-defacto-complainant also strongly opposed the bail application and submitted that from the very beginning, it was the intention of the accused to deceive the victim and with that intention he has cheated and defrauded the defacto-complainant. So, considering the materials on record, at this stage, there is no scope to release the accused on bail. So, Learned Counsel, Mr. Lodh urged for dismissal of the bail application.

Considered.

In this case, the prosecution was set into motion on the basis of an FIR laid by the informant-cum-victim to O/C, East Agartala Women P.S. alleging interalia that she is the inhabitant of Ashram Chowmuhani and she got divorce from her husband in the year 2018. Thereafter in the month of November 2022 through one of her friends, she was introduced with the present accused and they became good friend to each other. On 4th week of November, 2022 the accused invited her to have lunch at Park Line Hotel near Rabindra Bhavan. Accordingly, she went there and found the accused in a table. They consumed

cold drinks and after that she got herself uncomfortable and when she reported the matter that time the accused arranged a bed in that hotel where she took rest and became unconscious. When she regained sense, she found that she was naked and the accused also in naked condition. That time the accused showed her video that during her unconsciousness, he raped her, so, she became unrest. She started weeping and when the accused assured her that within one and half year he would marry her. Thereafter, they started passing nights in the hotel in so many occasions and also visited outside State and made physical relation on so many occasions. On 24.02.2025 at Meglipara garden near her mother's house some miscreants raped her and that time the accused gave her protection. The accused and the victim stayed in a rented house as husband and wife mutually and when she enquired about the accused that why he was not marrying then on 24.03.2025 the accused came to District Court with her and there made a notary agreement and he affirmed that he would marry her in future at Kasba Kalibari. After four days, she could know that the accused was trying to marry another girl and when she met the accused that time the accused refused to marry her. On 28.07.2025 she lodged the fact to East Agartala P.S. and police called him and he told that he would marry her within next 5/7 days as per Hindu Law and that she went to her rented house and at night at about 11.30 p.m. the accused went to the rented house and threatened her that if she makes any pressure in that case he would kill her and tried to press pillow on her mouth and again he raped her. He also ejected semen in her bed sheet and due

to fear some delay was caused in lodging the FIR. Accordingly, this present case has been registered.

In course of investigation, the I.O. caused arrest of the accused and forwarded him before the Court on 24.08.2025 and since then he is lodging in custody.

I have heard submission of both the sides at length and perused the relevant prosecution papers. In course of hearing, Learned Counsel for the applicant relied upon two citations of Hon'ble Supreme Court of India in Criminal Appeal No.3431 of 2023 and Criminal Appeal No.2879 of 2025. Both the cases were relevant to quashing of FIR. Learned Counsel further relied upon another citation of the Allahabad High Court. I have also perused the same. The subject matter of the same citation is also different from the present case. He again referred another order of this High Court in AB No.45 of 2024 dated 20.09.2024. I have perused on the aforesaid citations referred by Learned Counsel for the accused-applicant. From the relevant prosecution papers and also from the act and conduct of the accused-applicant, it appears his prima facie involvement with the alleged offence cannot be ruled out. Furthermore, the act of the accused clearly indicates his involvement with the alleged offence, rather it appears that the accused-applicant practiced fraud upon the victim since from the very beginning and knowing fully that he had the intention not to marry the victim and thus, he deceived her.

Situated thus, on the face of materials on record, I do not find any scope to consider release of the accused on bail and hence, the bail application filed on behalf of the accused

deserves no consideration and accordingly, the same stands rejected.

Return back the record to the Learned Trial Court along with a copy of this order also return back the Case Diary through Learned P.P. along with a copy of this order.

With this observation, this bail application stands disposed of.

JUDGE



**MOUMITA
DATTA**

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