

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

Sri Deep Sur,
Aged about 25 years,
son of Sri Narayan Sur,
resident of Siddhi Ashram,
Ward No-28 Badharghat,
P.S. Amtali Agartala, District-West Tripura

-----Applicant(s)

Versus

The State of Tripura

-----Respondent(s)

For Applicant(s)	: Mr. Sankar Lodh, Adv.
For Respondent(s)	: Mr. Raju Datta, P.P. Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

07/10/2025

This pre-arrest bail application is filed under Section 438 of Cr.P.C. in granting bail to the petitioner accused Sri Deep Sur in connection with Amtali P.S. Case No.2025 AMT 088 dated 30.08.2025 under Section 69 of BNS, 2023.

Heard Learned counsel, Mr. S. Lodh appearing on behalf of the petitioner accused and also heard Learned P.P., Mr. R. Datta along with Learned Addl. P.P., Mr. R. Saha appearing on behalf of the State-respondent.

At this stage, Learned P.P. drawn the Court that as per order dated 26.09.2025 no positive steps have been taken by the present petitioner accused to resolve the issue, rather he submitted one report to IO along with the case diary.

On the other hand, Learned counsel, Mr. S. Lodh appearing on behalf of the petitioner accused submitted that as

per order of the Court the accused had send one notice to the victim complainant and also submitted one representation to corporator of Ward No.56. But from the side of victim no step is taken to resolve the issue. As from the submission of both the counsels it appears that as there is no chance of amicable settlement of the dispute, so the matter is taken up for hearing on merit.

Heard submission of both the sides at length. This prosecution was set into motion on the basis of an FIR laid by the informant (victim) name withheld to O/C West Agartala, Women P.S. alleging inter alia that since last one year she had love relation with the petitioner accused of Siddhiashram and due to that relation, the accused brought her to different places and promised to marry her took her into a hotel and made physical relation against her will. The matter came to the knowledge of the family members of the victim when the accused promised to marry her and date of marriage was fixed on 05.12.2025 and after that the accused took her at various places and made physical relation with her. On 15.08.2025 the petitioner accused abused her and denied to marry her. So, she laid the FIR.

It was further mentioned that on 13.07.2025 their Ashirbad ceremony was performed. The case was registered by O/C of the concerned P.S. under Section 69 of BNS, 2023.

At the time of hearing, Learned counsel for the petitioner accused submitted that from the contents of the FIR and the conduct of the party, it appears that the matter will not come under Section 69 of BNS and in support of his contention,

Learned counsel, Mr. Lodh referred few citations and I have perused those citations but the subject matter of those citations are completely different and as such, according to the opinion of this Court those citations are not applicable in this case.

On the other hand, Learned P.P. drawn the attention of the Court that from the contents of the FIR and the evidence so far collected by IO up to this stage, it is clearly established that the accused has committed the offence punishable under Section 69 of BNS. It was further submitted that in spite of allowing opportunity, the accused did not take any step to settle the dispute or to resolve their issue. So at this stage there is no scope to release the accused on bail.

Learned counsel for the petitioner accused also submitted that the mother of the accused also laid one FIR but till today no action has been taken by IO on that. As already stated the case is registered under Section 69 of BNS. For the sake of convenience, let us refer herein below the relevant provision of Section 69 of BNS which provides as under :

**"69. Sexual intercourse by employing deceitful means, etc.-
Whoever, by deceitful means or by making promise to marry to a woman without any intention of fulfilling the same, has sexual intercourse with her, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.
Explanation.-"deceitful means" shall include inducement for, or false promise of employment or promotion, or marrying by suppressing identity."**

From the aforesaid provision it appears that the present petitioner accused made deceit with the victim of the case to marry her on false assurance of marriage and taking this advantage, physically consumed her on so many occasions. But

later on he escaped from his promise inspite of solemnization of Ashirbad ceremony.

Thus, from the facts and circumstances of the case it appears that there are sufficient materials against the petitioner accused for his involvement with the offence punishable under Section 69 of BNS.

Accordingly, the anticipatory bail application filed stands rejected. However, it shall be open for the parties to resolve their dispute of their own, if they are so advised or agreed in near future.

Return back the CD to IO along with a copy of this order. Also send back the record to the Learned Trial Court along with a copy of this order.

JUDGE

MOUMITA
A DATTA

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MOUMITA DATTA
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