

**HIGH COURT OF TRIPURA
AGARTALA
AB No.75 of 2025**

Sri Arup Dhar,
Son of Late Amrit Chandra Dhar,
Resident of Bamutia, P.O. Lefunga,
P.S. Lefunga, District: West Tripura

---Applicant

-Vs-

The State of Tripura

---Respondent

For Applicant(s) : Mr. Kabrabam Dhirendra Singha, Adv.
Ms. Ayesha Saha Hirawat, 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 for granting bail to the accused-applicant in connection with Lefunga PS Case No.2025LFN032 under Section 74/75//109/134/351(2) of BNS, 2023.

Heard Learned Counsel Mr. K. D. Singha along with Ms. A. Saha Hirawat, Learned Counsel appearing for the applicant 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 the time of hearing Learned Counsel drawn the attention of the Court that on the basis of the FIR laid by one Suprita Das the present case has been registered by O.C of the concerned P.S. under Section 74/75/109/134/351(2) of BNS, 2023. But from the contents of the FIR it is clear that there is no material against the applicant under Section 109/134/351(2) of BNS and furthermore there are also no sufficient materials under Section 74/75 of BNS

for custodial detention of the accused in connection of this case. So he urged for releasing the accused on bail in any condition.

On the other hand, Learned P.P. Mr. R. Datta along with Mr. R. Saha, Learned Addl. P.P. appearing on behalf of the State submitted that there are sufficient materials against the accused-applicant showing his implication with the alleged offence. So for the sake of proper investigation of the case Learned P.P. urged for rejection of the bail application.

In the case at hand the prosecution was set into motion on the basis of an FIR laid by one Smt. Suprita Das on 02.09.2025 to O.C. Lefunga P.S. alleging inter alia that on 02.09.2025 at about 5.30 to 6.00 A.M. she went to pig farm at lunga in the western side of her house to provide food to pigs like everyday. At that time one Arup Dhar i.e. the accused-applicant came in front of her and gave her ill proposal. On her disagreement the accused grasped her and tried to remove her wearing nighty forcefully and molested her by touching different parts of her body. When she tried to save her honour from the grip of the accused person pressed her throat to kill her and then she started screaming. On hearing her hue and cry the neighbouring person appeared therein when the accused fled away and at the time of leaving the accused snatched away gold chain worth 13 ana, 2 ratti from her neck forcefully by giving life threat. This is the sum and substance of the FIR and on the basis of the FIR this present case has been registered by O/C of the concerned P.S.

I have gone through the relevant prosecution papers and also the statement of witnesses so far recorded by I.O. It appears that at the time of alleged occurrence save and except informant no other persons were there to the P.O.. All the witnesses of the

prosecution stated that they heard the fact from the informant regarding outraging the modesty of the informant by the accused-applicant and also regarding snatching of gold chain belonging to the informant. From the Case Diary I do not find any medical evidence in support of the contention of the victim. However, the investigation of the case is in progress.

I have also perused the record of the Learned Trial Court. By this time the I.O. has arranged recording the statement of the victim under Section 183 of BNS. From the statement of the witnesses recorded by I.O. up to this stage of investigation it appears that all the witnesses in course of their making of statement to I.O. reiterated the same fact made by the informant but those witnesses were not present to the P.O. at the time of alleged occurrence. So to decide this bail application we are only to rely upon the sole statement of the victim. The wearing apparel of the victim was seized by I.O. in course of investigation. But regarding snatching of gold chain as alleged by the informant no documentary evidence is procured by I.O. to substantiate that the present accused-applicant forcefully snatched away the same from the neck of the victim on the alleged date and time.

However considering the nature and allegation as made in the FIR it appears to me that this is a fit case where the concession of pre-arrest bail may be granted to the accused-applicant. Accordingly the pre-arrest bail application filed by the accused-applicant is hereby allowed. The accused-applicant may be released on bail in the event of his arrest 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 appear before I.O. as and when called for, for the sake of investigation.

(ii) the accused-applicant shall not make any attempt to tamper evidence of the prosecution and

(iii) 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.

In case of violation of any of the terms and conditions the I.O. shall be at liberty to approach to the concerned Court for cancellation of the privilege of pre-arrest bail granted to the accused-applicant.

With this observation this present bail application stands disposed of.

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 P.P. along with a copy of this order.

Also supply a copy of this order to the Learned Counsel appearing for the applicant for information and compliance.

JUDGE

**MOUMITA
DATTA**

Moumita

Digitally signed by MOUMITA
DATTA
Date: 2025.10.07 05:31:43 +05'30'