

**HIGH COURT OF TRIPURA
AGARTALA
BA No.90 of 2025**

Sakia Begam,
Wife of Manir Uddain,
Daughter of Late Safik Mia,
Village: East Yeazekhowra, Kailashahar,
Dhaliarkandi, P.O. Babur bazar,
P.S. Irani, District: Unakoti, Tripura

---Applicant

Nakib Ali,
Son of Late Hazi Safik Ali @ Late Haji Safik Ali,
Village: East Yeazekhowra, Kailashahar,
Dhaliarkandi, P.O. Babur bazar,
P.S. Irani, District: Unakoti, Tripura

---Custody Accused Person

-Vs-

The State of Tripura

---Respondent

For Applicant(s)	:	Mr. Alik Das, 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 bail application under Section 439 of Cr.P.C. is filed for granting bail to the custody-accused namely Nakib Ali in connection with West Agartala PS Case No.267 of 2011 under Section 364(A) of IPC.

Heard Learned Counsel Mr. Alik Das appearing on behalf of 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.

Taking part in the hearing Learned Counsel appearing for the accused-applicant drawn the attention of the Court that this present case was registered during the year 2011 and at the time of alleged occurrence of offence the accused was not available in

the country rather he was in Saudi Arabia. But he has been falsely implicated in this case and after returning back to India on 3/4 occasions he appeared before I.O. but on the last occasion he was arrested by the police and was produced before the Court and on and from 03.09.2025 the accused is lodging in custody. According to Learned Counsel initially he was granted police custody and thereafter on expiry of police custody he was further remanded to judicial custody and still he is languishing in jail. It was further submitted by Learned Counsel that during police custody he was severely manhandled by the police but during investigation no incriminating materials could reveal against him by the I.O. But in course of further investigation he has been implicated in this case. It was further submitted that the wife of the accused is suffering from severe ailment. So for the purpose of treatment of the wife of the accused in custody the accused may be released on bail in any condition. Learned Counsel Mr. Das again submitted that by this time all the accused persons have been released on bail and chargesheet is submitted.

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 drawn the attention of the Court that admittedly in this case the I.O. laid chargesheet and by order dated 21.01.2019 cognizance of offence punishable under Section 120B/364(A) of IPC was taken against accused persons namely Abdul Majid, Md. Husain Ahmed Tapader @ Husain Ahmed and under Section 386/420 of IPC against accused persons namely Sadhu Mani Reang, Bijoy Kumar Reang, Nathurai Reang, Laldinpuia Reang, Dhaynaram Reang @

Gaganjan @ Ranafa and under Section 109/364(A) of IPC against accused person namely Aklasur Rahaman, Riyaj Uddin and Saheed Ahmed @ Bablu. But later on the wife of the victim preferred one application before this High Court and this High Court by order dated 14.07.2023 in Criminal Petn. No.58 of 2022 filed by the informant directed the I.O. to further investigate the matter and accordingly in course of further investigation this present accused in custody was arrested and produced before this Court.

Learned P.P. in course of hearing referred few pages of the Case Diary and drawn the attention of the Court that from the contents of those prosecution papers the involvement of the accused cannot be ruled out. So for the sake of justice, Learned P.P. submitted that the bail application filed on behalf of the accused may be rejected at this stage. It was further submitted that as alleged by accused that on the day of alleged occurrence he was not available in the State but he went to Dubai on 23.09.2011 but the submission of Learned Counsel for the accused-applicant that in the month of January he left for Dubai is not correct and false. So Learned P.P. vehemently opposed the bail application and urged for dismissal of the bail application.

In this case the prosecution was set into motion on the basis of an FIR laid by Smt. Seli Som, the wife of the victim to O.C. West Agartala P.S. alleging inter alia that on 05.08.2011 that her husband Ashish Som left the residence on 28.05.2011 at about 0430 hours for some personal work which was unknown to her. On 30.05.2011 they received one telephonic call from an extremist bearing mobile No.09954325039 that Mr. Asis Shome is in his captivity somewhere in North Tripura and for his release

they demanded Rs.25 lakhs on condition that it should not be disclosed to Police or any other agency. Subsequently to save the life of her husband her relatives reached the different places of North Tripura as well as Cachar district of Assam to trace him out as well as to negotiate with the extremist at their level. During this stage they handed over Rs.23.00 lakh to various persons at different places as directed by the extremist. Though they gave ransom but till date her husband could not be traced out and last telephonic call from the extremist was received on 07.06.2011 and according to her Dipak Saha, Kabir Jussain, Vishal Kumar, Aftab Mia, Arun Chakraborty, Salekh Mia, Mahaboob Ahmed and Latif Mia may be involved with the kidnapping of her husband she laid the FIR. Accordingly on the basis of FIR West Agartala PS Case No.267/2011 under Section 364(A) was registered.

In the meantime the investigation is completed. The I.O. has laid chargesheet against the accused persons including the present accused-applicant. The victim till date has not yet been returned back.

I have also meticulously gone through the CD produced by Learned P.P. It appears that this present accused-applicant was one of the close associate of the master mind of the crime and soon after the alleged occurrence he absconded from the country for which he could not be located or arrested by the police. Later on in course of further investigation he was arrested by police. The present case is now posted for ER and report on 12.11.2025. However, considering the materials on record the prima facie involvement of the accused-applicant cannot be ruled out and from the materials on record further it appears that he was also actively participated in the commission of offence regarding

kidnapping of the victim for ransom by the extremist group and soon after the incident the accused-applicant absconded from the country and for that he could not be traced out by the police. In such a situation, considering the materials on record at this stage I do not find any scope to release the accused on bail and accordingly his bail application stands rejected. The accused is to remain in J.C. as before. Learned Trial Court be asked to take necessary step for early disposal of the case keeping in mind that the accused is lodging in custody. However, it is made clear that if any accused is still found to be absconding in that case Learned Court may take step for spitting up of the case record and thereafter may proceed in accordance with law.

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.

सत्यमेव जयते

JUDGE

**MOUMITA
DATTA**

Moumita

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