

**HIGH COURT OF TRIPURA
AGARTALA
B.A. No.92 of 2025**

Shri Chitta Ranjan Pal,
S/O Late Kamini Pal,
Resident of Vill.- Dukli,
P.O.- Madhuban, P.S.-A.D. Nagar,
District- Agartala, West Tripura,
PIN-799003.

---Applicant(s)

On behalf of:-

Shri Prasenjit Paul,
S/O- Shri Chitta Ranjan Paul of Dukli,
Madhya Para,
P.S.- A.D. Nagar,
Agartala, West Tripura,
PIN-799003.

---Accused Person(s)

Versus

The State of Tripura

---Respondent(s)

For Applicant(s)	:	Mr. Pradip Rathor, Adv. Mr. Nanda Gopal Nandi, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P. Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

03/11/2025

This bail application is filed under Section 483 of BNSS, 2023 for granting bail to the accused person namely, Shri Prasenjit Paul who is lodging in jail in connection with Agartala Women PS Case No.2025 WAW 021 registered under Sections 65(2)/351(3) of BNS, 2023 corresponding to Special (POCSO) No.33 of 2025.

Heard Learned Counsel, Mr. P. Rathor along with Learned Counsel, Mr. N. G. Nandi appearing for the applicant and also heard Learned P.P., Mr. R. Datta along with Learned Addl. P.P., Mr. R. Saha appearing for the State-respondent.

As ordered earlier, the record from the Learned Trial Court has been received and also Learned P.P. has produced the CD.

At the time of hearing, Learned Counsel for the accused-in-custody has drawn the attention of this Court referring different aspects of the case and submitted that considering the materials on record *prima facie* there is no case to invoke Section 6 of the POCSO Act against the accused-in-custody because the medical report also does not support the case of the prosecution rather to the extent of Section 7 of the POCSO Act can attract in this case.

On the other hand, Learned P.P. opposed the submission made by Learned Counsel appearing for the accused-in-custody and submitted that in this case few witnesses have already been examined and the evidence of the victim is yet to be recorded. So at this stage, it would not be prudent to consider the bail application considering the facts and circumstances of the case and also the fact that the victim is a minor around 7 years of age.

Considered.

I have seen the record. In this case up to this stage 7 (seven) numbers of witnesses have been examined by the prosecution out of 16 (sixteen) numbers of witnesses. Learned Trial Court fixed the calendar of this case w.e.f. 01.11.2025 to 11.11.2025 and since by this time the record has been called for. So the Learned Trial Court probably could not proceed further with this case.

However, considering the materials on record, at this stage I do not find any scope to consider the bail application of the accused in absence of recording evidence of the victim and accordingly the bail application stands disposed of being prematured one. However, the matter is remanded back to the Learned Trial Court with direction that first of all the evidence of the victim and her parents be recorded first thereafter the

evidence of the rest of the witnesses of the prosecution be recorded. The evidence of the victim and her parents be recorded by 15th December, 2025.

In view of the above, this bail application stands rejected and disposed of.

Return back the record to the Learned Trial along with a copy of this order.

Return back the CD to I/O through Learned P.P. along with a copy of this order.

JUDGE

Amrita

**MOUMITA
DATTA**

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MOUMITA DATTA
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