

**HIGH COURT OF TRIPURA
AGARTALA
A.B. No.78 of 2025**

Sri Subir Chowdhury
S/O Sri Chanda Mohan Chowdhury
Of Amtali, Pal Para,
P.S.- Amtali,
District- West Tripura.

-----accused Petitioner

Versus

The State of Tripura

-----Respondent (s)

For Applicant(s)	:	Mr. Subrata Sarkar, Sr. Adv, Ms Ayesha S Hirawat, Adv.
For Respondent(s)	:	Mr. Raju Datta, Public Prosecutor, Mr. Rajib Saha, Additional Public Prosecutor.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

27/10/2025

This present bail application under Section 482 of BNSS is filed for granting bail in connection with Amtali P.S. Case No.81 of 2025 under Section 69 of BNS, 2023.

Heard Learned Senior Counsel Mr. S. Sarkar assisted by Learned Counsel, Ms Ayesha S Hirawat appearing on behalf of the applicant-accused and also heard Learned P.P., Mr. Raju Datta alongwith Learned Additional P.P., Mr. Rajib Saha appearing on behalf of the State-respondent.

At the time of hearing, Learned Senior Counsel for the applicant-accused submitted that the present applicant-accused earlier approached for pre-arrest bail before this High Court and this High Court by order dated 25.09.2025 passed in

A.B. No.71 of 2025 disallowed the bail application but in the meantime, I.O. has laid chargesheet against him and the applicant-accused has sustained fracture injury to his arm. Learned Senior Counsel further drawn the attention of the Court referring the contents of the FIR and submitted that from the contents of the FIR, there appears no materials reveals against the applicant-accused for his prosecution punishable under Section 69 of BNS, 2023. So, considering the materials on record and the facts and circumstances of the case and also the fact that the I.O. has laid chargesheet and he was sustained fracture injury, Learned Senior Counsel urged for releasing the accused on bail in any condition.

On the other hand, Learned P.P. appearing on behalf of the State-respondent submitted that the applicant-accused could not place any material before this Court at this stage for consideration of the pre-arrest bail application. It was further submitted that there is no supportive medical documents in support of the contention of the applicant that he has sustained fracture injury to his arm. So, Learned P.P. submitted that considering the materials on record, at this stage, there is no scope to grant pre-arrest bail application of the accused at this stage.

I have heard both the sides at length and perused the record of the Learned Trial Court. It appears that on the prayer of I.O. by order dated 04.10.2025, Learned Jurisdictional Magistrate issued warrant of arrest against the accused which is still pending for adjudication. Admittedly, this Court by order dated 25.09.2025 disallowed the pre-arrest application filed by

the applicant-accused in A.B. No.71 of 2025 and furthermore, as submitted by Learned Senior Counsel there is no documentary evidence on record that the applicant-accused has sustained fracture injury to his arm. Even at the time of hearing, Learned Senior Counsel remained silent regarding issuing warrant of arrest against the applicant. So, considering the materials on record, I am not inclined to consider the pre-arrest bail application filed by the applicant-accused. Accordingly, the same stands rejected being devoid of merit. The accused is to surrender before the Learned Trial Court and may pray for bail. In the event of surrender, Learned Jurisdictional Magistrate may consider the bail application on merit in-accordance-with law without being biased by the order of this Court.

Send down the record to the Learned Trial Court alongwith a copy of this order. Return back the Case Diary to I.O. through Learned P.P. along with a copy of this order.

With this observation, this present bail application stands disposed of.

सत्यमेव जयते

JUDGE

AMRITA DEB

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