

**HIGH COURT OF TRIPURA
AGARTALA**

B.A. No.101 of 2025

1. Mahamod @ Mahammad Tahsin

S/O Lt. Amir Ahamed

2. Md. Osman

S/O Habib Ullah

Both are resident of Soungkyaunk Village,
Kyauktaw Township, Rakhine State, Myanmar
(as mentioned in the FIR)

---- Accused person

Versus

The State of Tripura

Being Represented by Ld. Public Prosecutor
High Court of Tripura

----Respondent(s)

For Applicant(s) : Ms. Sarama Deb, Adv.

For Respondent(s) : Mr. Raju Datta, P.P.,
Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

29/10/2025

This application under Section 483(1)(b) of BNSS is filed for modification of the conditions of bail granted to the accused persons by order dated 31.05.2025 passed by Learned CJM, Unakoti District, Kailashahar in connection with Kailashahar PS case No.16 of 2025 for the offence punishable under Section 249/3(5) of BNS, 2023 read with Section 3 of The Passport Act(entry into India), 1920 and Section 14A/14C of the Foreigners Act, 1940.

Heard Learned Counsel, Ms. Sarama Deb appearing on behalf of the accused persons in custody and also heard Learned P.P., Mr. Raju Datta along with Learned Addl. P.P., Mr. Rajib Saha appearing on behalf of the State-respondent.

As ordered earlier, this Court has received the record from the Learned Trial Court and Learned P.P. has also produced the Case Diary.

Taking part in the hearing, Learned Counsel for the accused persons in custody drawn the attention of the Court that by order dated 31.05.2025 passed by Learned CJM, Unakoti District, Kailashahar, the accused persons were allowed to go on bail in the event of execution of bail bond of Rs.1,00,000/- each with two sureties of like amount out of which one surety must be regular government employee serving under either the Central or the State Government. It is further submitted that since the accused persons are foreign nationals so it is also not possible on their part to adduce any Government employee as surety on their behalf resulting which they are not in a position to execute the bail bond as ordered by the Learned Court below. So, Learned Counsel urged for modification/relaxation of the conditions of bail only in respect of Government surety.

On the other hand, Learned P.P. appearing on behalf of the State-respondent opposed the submission made by Learned Counsel for the accused persons in custody and submitted that those persons entered into India without any valid documents. However, for the sake of justice the condition of surety may be relaxed but a direction may be given to the accused persons to remain present in course of trial before the Learned Trial Court so that the trial of the case is not vitiated.

Considered.

The prosecution was set into motion on the basis of an FIR laid by one ASI Matilal Malakar on 03.04.2025 to O/C, Kailashahar PS against these present two accused persons in

custody and one Aminul Haque of Baburbazar, Ward No.1, PS Irani, Kailashahar.

From the record, it appears that those three persons were produced under arrest before the Court of Learned CJM, Unakoti District, Kailashahar on 03.04.2025 and by order dated 10.04.2025, Learned CJM, Unakoti District, Kailashahar granted interim bail to one of the accused namely Aminul Haque who is an Indian national and thereafter, the period of interim bail in respect of said accused namely Aminul Haque was extended time to time and later on as per order dated 31.05.2025, the present two accused persons in custody were also granted bail by Learned CJM, Unakoti District, Kailashahar with the conditions that they should execute bail bond of Rs.1,00,000/- each with two sureties of like amount out of which one must be a Government servant and challenging that order, this present application has filed before this Court.

In the meantime, one criminal revision was filed before the Court of Learned Sessions Judge, Unakoti District, Kailashahar and Learned Sessions Judge, Unakoti District, Kailashahar by order dated 10.09.2025 in connection with CrI. Revision No.2 of 2025 has rejected the application on the ground that there is chance of absconsion if the condition is modified/relaxed.

I have heard both the sides at length. It is the admitted position that the accused persons in custody may not be in a position to fulfill the conditions of bail as ordered by Learned CJM, Unakoti District, Kailashahar on 31.05.2025 for which they are languishing in jail.

However, considering the period of incarceration in jail, I am inclined to relax the conditions of bail to the extent that in

the event of release the accused persons shall execute bail bond of Rs.1,00,000/- each with two local sureties of like amount in place of one Government surety with further direction that in the event of release, they shall attend before the concerned Court once in a week till completion of investigation i.d. to remain in J/C as before.

With this observation, the present application stands disposed of.

Send down the record to the Learned Trial Court along with a copy of this order.

Return back the Case Diary to IO through Learned P.P. along with a copy of this order.

A copy of this order be supplied to Learned Counsel for the accused-in-custody for information and compliance.

JUDGE

