

**HIGH COURT OF TRIPURA
AGARTALA**

BA No.99 of 2025

- 1. Abdus Salam (53 years),**
Son of Late Fajal Ahammed,
Resident of village:Mingijigoanng,
P.S. Buchidang, District: Tom Bazar,
Bangladesh
- 2. Shanti Molla (33),**
Daughter of Jahangir Shak, village: Shibpur,
P.S. Chitalmari, District: Bagerhut, Bangladesh
- 3. Nasim Molla (19),**
Son of (S) Najrul Molla, village: Shibpur,
P.S. Chitalmari, District: Bagerhut, Bangladesh

---Accused Petitioners

-Vs-

The State of Tripura

Represented by the Secretary to the department of
Home New Secretariat Complex, P.S. N.C.C.
District: West Tripura

---Respondent

For Applicant(s)	:	Mr. Saugat Datta, 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 bail application under Section 483(1) (b) of BNSS, 2023 is filed by the accused persons in custody for relaxation of the conditions of bail granted to the accused persons in connection with Agartala GRPS Case No.94 of 2024 under Section 61(2), 249(b), 143(3) of BNS read with Section 3 of the Pass port (Entry to India) Acts and Section 14(a), 14(c) of the Foreigners Act.

Heard Learned Counsel Mr. S. Datta appearing on behalf of the accused persons in custody and also heard Learned P.P. Mr. R. Datta along with Learned Addl. P.P. Mr. R. Saha appearing for the State-respondent.

At the time of hearing Learned Counsel Mr. S. Datta appearing on behalf of the accused persons submitted that these three accused persons were arrested in connection with this case and produced before the Court of Learned Jurisdictional Magistrate on 27.09.2024 along with two other accused persons who were Indian nationals and these three accused persons in custody were Bangladeshi nationals. So their bail petition was rejected and since 27.09.2024 they were lodging in custody and later on by order dated 25.11.2024 they were granted bail with a direction to deposit Rs.3,00,000/- in cash each but the accused persons in custody could not deposit the said amount and as such till today they are languishing in jail. Learned Counsel Mr. Datta further submitted that by this time the I.O. has submitted chargesheet against all the accused persons including the accused persons in custody and accordingly cognizance of offence is taken and the case is now committed to the Court of Learned Sessions Judge which is pending for disposal. Learned Counsel further submitted that since the accused persons in custody are foreign nationals and they were not in a position to deposit the said cash amount as ordered by the Learned Jurisdictional Magistrate. So considering the period of incarceration in jail, the amount may be reduced and they may be allowed to release on bail for the sake of justice.

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 opposed the submission made by the Learned Counsel appearing for the accused persons in custody and submitted that if the condition is relaxed then there is every possibility that the accused

persons would abscond and ultimately the purpose of trial would be vitiated. So he urged for rejection of the application or alternatively suggested for allowing the accused persons to go on bail with appropriate surety.

Considered.

Perused the record.

In this case the prosecution was set into motion on the basis of an FIR laid by one W/ASI Kana Datta on 26.09.2024 to O.C. Agartala GRPS, West Tripura alleging inter alia that on 26.09.2024 in course of performing duties at Agartala Railway Station and before departure of Tripura Sundari Express detained five persons (four male and one female) who were entering to the Agartala station in a suspicious manner through the main gate and in course of interrogation they revealed their name as Abdus Salam, Shathi Molla, Nasim Molla, Shabir Aarab and Abdul Sakur Fakir Mahamad Khavra and it was found that out of the five Muslim persons the three persons disclosed their identity as the residents of Bangladesh and the rest two accused persons disclosed their identity as Indian Nationals and accordingly they were intercepted and they were taken into custody. Thereafter a specific case under the aforesaid provisions of law was registered against them and they were produced before the Court of Learned Jurisdictional Magistrate on 27.09.2024 and after that Learned Jurisdictional Magistrate granted interim bail to Shabir Aarab and Abdul Sakur Fakir Mahamad Khavra on the ground that they appeared to be Indian Nationals which was later on extended time to time and rejected the bail application of the three accused persons in

custody. The investigation was going on. However in course of investigation the present three accused persons were granted default bail as the I.O. could not file the chargesheet within time and by order dated 25.11.2024 they were granted bail with a direction to deposit cash amount of Rs.3,00,000/- each. Later on, on the prayer of one of the accused Abdus Salam by order dated 13.02.2025 his bail amount is reduced to Rs.2,50,000/- in place of Rs.3,00,000/- and in respect of other two accused persons the amount remained as it is. However in the meantime the I.O. filed chargesheet against all the accused persons and by order dated 18.12.2024 Learned CJM, West Tripura, Agartala took cognizance of offence punishable under Section 61(2) of BNS, under Section 14(A) of Foreigners Act, under Section 03 of IPP Act against Abdus Salam, Shathi Molla and Nasim Molla and under Section 61(2), 249(B), 143(3) of BNS and under Section 14(C) of Foreigners Act against Shabir Aarab, Abdul Sakur Fakir Mahammad Khavra and Najmul Hossain. After that the Learned Jurisdictional Magistrate by order dated 10.09.2025 has committed the case to the Court of Sessions as the offence punishable under Section 143(3) of BNS and Section 14A of Foreigners Act are exclusively triable by the Court of Sessions and now the case is at the stage of DC and FC before the Court of Learned Addl. Sessions Judge on transfer.

On perusal of the relevant prosecution papers it appears that the main allegation against the present accused persons in custody is that they entered India without any valid passport being foreign nationals. It is the admitted position that the present three accused persons are languishing in jail on and from

27.09.2024 and inspite of granting bail they could not deposit the required amount as fixed by the Learned Trial Court. Since the matter is pending for disposal before the Court of Learned Addl. Sessions Judge, Court No.4, West Tripura, Agartala. It may so happen that some more time may be required to dispose of the case for the conclusion of trial and since the accused persons were foreign nationals, so it is may be one of the genuine ground that they were not in a position to deposit the required amount fixed by the Court.

However after hearing both the sides and also after considering the materials on record and also the fact that the accused persons in custody are languishing in jail for a quite long period. It appears to this Court that the amount of cash deposit as ordered by Learned J.M. 1st Class, Court No.6, Agartala, West Tripura be reduced. Accordingly it is ordered that the accused persons in custody may be released on bail on furnishing cash deposit of Rs.1,00,000/- each in place of Rs.3,00,000/- as ordered earlier by Learned J.M. 1st Class on 25.11.2024 or alternatively in the event of inability on their part to deposit the said cash amount they may be released on bail on furnishing a fresh bail bond of Rs.1,00,000/- (one lakh) with one local surety of like amount to the satisfaction of Learned Addl. Sessions Judge, Court No.4, West Tripura, Agartala with condition that either in the event of cash deposit or in the event of execution of bail bond with surety they shall attend before the concerned Trial Court once in a week till conclusion of trial. The cash amount if realized from the accused in

custody be deposited to the Nazir of the Court of District Judge, West Tripura, Agartala.

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 and also a copy of this order be furnished to Learned Counsel appearing for the accused persons in custody for information and compliance.

JUDGE



सत्यमेव जयते

**MOUMITA
DATTA**

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