

**HIGH COURT OF TRIPURA
AGARTALA**

AB No. 87 of 2025

Sri Biplab Dey, S/o Lt. Banka Behari Dey, R/o Narayanpur
Pecharthal PS- Pecharthal, District: Unokoti, Tripura.

....Applicant(s)

Versus

The State of Tripura represented by the PP, High Court of
Tripura, Agartala.

....Respondent(s)

For Applicant(s) : Mr. H.K.Bhowmik, Advocate.
Mr. D.Roy, Advocate.

For Respondent(s) : Mr. R.Saha, Addl.PP.

Date of hearing & : **16.12.2025**
Delivery of Judgment /
Order

Whether fit for reporting:

Yes	No
	✓

=B=E=F=O=R=E=

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

Judgment and Order(Oral)

Heard Ld. Counsel of both sides.

[2] The application under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 ('BNSS'- for short), is filed by
the present accused Biplab Dey praying for pre-arrest bail in
connection with Pecharthal P.S. Case No. 19 of 2025 dated
25.10.2025 registered under Sections 331(2)/ 117(2), 3(5)
of Bharatiya Nyaya Sanhita Act, 2023 ('BNS'-for short).

[3] The gravamen as contained in the FIR lodged by
the victim, in brief, are that on 24.10.2025 after enjoying an
orchestra programme, he was sleeping in his ice factory, the
premise of which was taken on rent by him from another

person. At that time, suddenly the present accused along with another person namely Sailesh Debnath knocked his door and when he opened it, Biplab Dey, with sharp cutting 'dao' gave a blow on his head with force. When he tried to escape, he sustained injury in his left eye. Second time, again he tried to give another hit by his 'dao' and he again tried to escape, sustained injury on his waist due to such stroke. At that time, his land lord Ashutosh Dhar arrived there and the accused persons fled away.

[4] Both the accused persons submitted petition for pre-arrest bail before the Ld. Sessions Judge, Unakoti District who allowed the bail application of co-accused Sailesh Debnath, but, rejected the bail application of Biplab Dey considering the criminal antecedents of the accused that there were some other cases pending against him.

[5] During hearing, Ld. Counsel Mr. H. K. Bhowmik of the applicant, submits that to the knowledge of the petitioner there is no case pending against him in any of the police station and due to previous enmity he has been falsely implicated in the present case.

[6] Ld. Counsel, Mr. Bhowmik also submits that if released on bail, he will regularly give his attendance before the IO to face interrogation and will cooperate with the investigation.

[7] Ld. Addl. PP, Mr. R. Saha, however, opposes the prayer by referring to a letter issued by the IO to him mentioning pendency of 4 other police cases against Biplab Dey in the said police station. Ld. Addl. PP also submits that on 3 occasions, notice under Section 35(3) of BNSS was issued to the accused but, that could not be served as the family members of the accused had refused to accept the same and the accused was not also present in the house.

[8] Ld. Addl. PP, Mr. R. Saha has also placed before the Court the injury report of the present victim which shows existence of one simple cut injury on the forehead of the victim caused by sharp weapon.

[9] The Court has taken into consideration the submissions of both sides.

[10] As it appears, already the co-accused is granted pre-arrest bail by the Ld. Sessions Judge. In the CD there is one bald statement of one witness that earlier also on several occasions, said accused Biplab Dey was engaged in physically assaulting others.

[11] The injury report indicates simple injury on the applicant as mentioned above. Further it appears that Investigating Officer earlier has issued notices under Section 35(3) of BNSS to him which could not be served upon him and this fact itself indicates that during investigation, IO was

not in the mind to arrest the accused for the sake of investigation.

[12] Considering all these aspects, the bail prayer is allowed.

[13] It is ordered that in the event of arrest in connection with Pecharthal P.S. Case No.19 of 2025, the accused applicant Biplab Dey shall be released on bail on furnishing a bond of Rs. 40,000/- with one surety of like amount to the satisfaction of the arresting authority on conditions that:

- i) he will give his attendance once in a fortnight for the next 3 months in the Pecharthal PS to face interrogation;
- ii) he will not try to influence or terrorize any of the witnesses of the case so as to dissuade him / them from divulging the truth before the Investigating Officer or before the Court and;
- iii) he will regularly appear before the Court to face trial;

[14] With such observations and directions, the application is disposed of.

Return the CD to Ld. Addl. PP with copy of this order.

JUDGE

Saikat Sarma

RUDRADEE Digitally signed by
P BANERJEE Date: 2025.12.16 16:24:44 +05'30'