

**HIGH COURT OF TRIPURA
AGARTALA**

BA No.120 of 2025

Md. Rajib Miah,

Son of Md. Islam Miah, resident of Datta Bari Road, Rajnagar, P.S.
West Agartala, District – West Tripura, Pin-799001.

.....Applicant on behalf of
accused person in custody(s);

Tanuja Khatun,

Daughter Najir Hossain, resident of Village – Sitieshnagar, PO –
Sitieshnagar, PS – Lalgola, District – Murshidabad, West Bengal,
India.

..... Accused person In-custody;

V E R S U S

The State of Tripura

.....Respondent(s);

For Applicant(s) : Mr. Saugat Datta, Advocate,
Mr. Samrat Ghosh, Advocate.

For Respondent(s) : Mr. Raju Datta, Public Prosecutor.

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
_O_R_D_E_R_

16/12/2025

This bail application is filed under Section 483 of
Bharatiya Nagrik Suraksha Sanhita, 2023 for modification of bail.

[2] Heard learned counsel, Mr. Samrat Ghosh, together
with Mr. Saugat Datta, learned counsel, appearing for the
applicant and learned Public Prosecutor, Mr. Raju Datta, for the
respondent-State.

[3] Learned counsel, Mr. Sarmart Ghosh, submits that
initially the applicant was granted bail by the learned Judicial
Magistrate on the condition of submission of cash deposit of
Rs.2,50,000/- for release. Therefore, the said accused-applicant
challenged the said order before the learned Sessions Judge, West

Tripura, Agartala for modification, which was declined. In BA No.68/2025, the High Court modified the order asking the accused to deposit Rs.1,50,000/- [Rupees one lakh fifty thousand] in place of Rs.2,50,000/-[Rupees two lakh fifty thousand].

[4] The present application is now filed for relaxation of said condition also on the ground that despite a bail order is passed, she is not being able to get herself released from incarceration.

[5] Learned counsel for the applicant submits that the law does not prohibits such modification as there is no application of barring provision of Section 362 Cr.P.C in such bail matters.

[6] Learned counsel for the applicant also relies on a decision of the Hon'ble Supreme Court in case of **Ramadhar Sahu Versus the State of Madhya Pradesh, 2023 LiveLaw (SC) 945** wherein it was held that conditions of bail could also be varied if a case is made out for such variation based on that factor and prohibition contemplated in Section 362 of the Code would not apply in such cases.

[7] Learned counsel for the applicant has submitted photocopies of Voter ID card, PAN card, Aadhaar card and School Certificate of the accused-Tanuja Khatun with an affidavit to buttress his submission that said accused is an Indian national.

[8] Learned Public Prosecutor, Mr. Raju Datta, however, opposes the prayer on the ground that already the order dated 04.08.2025 passed in B.A. No.68 of 2025 has reached the finality.

Therefore, same cannot be varied in view of barring provision of 362 of Cr.P.C.

[9] The Court is not impressed with the submission of learned Public Prosecutor in view of the judgment of the Hon'ble the Supreme Court as indicated above. Moreover, it is the settled position of the law that condition imposed while granting bail should not be so onerous as to frustrate the object of the bail.

[10] Considering all these aspects the application is allowed.

[11] It is ordered that the accused applicant-Tanuja Khatun may be released on bail on furnishing a bond of Rs.1,50,000/- [Rupees one lakh fifty thousand] with one surety of the like amount on conditions that the surety must be resident of Tripura and the accused will regularly attend the Court to face the trial unless her appearance is exempted by the Court as per provision of law. In case of violation of the above said conditions, learned trial Court will be at liberty to take any coercive action against the applicant in accordance with law.

[12] The instant application is accordingly allowed and disposed of.

Communicate a copy of this order to the learned trial Court immediately.

JUDGE