

**COURT OF TRIPURA
AGARTALA**

A.B. No.05 of 2026

Sri Rajesh Ghosh,

S/o- Late Dharendra Chandra Ghosh,

R/o- Deshbandhu Para, Barjala,

P.O.- Natun Nagar, Agartala, West Tripura,

Pin- 799009.

----Accused-petitioner(s)

Versus

Non-applicant:

The State of Tripura

Represented by Secretary, Home Department,

Government of Tripura,

New Secretariat Building,

Agartala, West Tripura,

Pin- 799010.

----Respondent(s)

For Applicant(s) : Mr. Manojit Saha, Adv.

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

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

04.02.2026

This pre-arrest bail application under Section 482 of BNSS is filed for granting bail to the applicant-accused in connection with NCC P.S. case No.87 of 2025 under Section 329(3)/117(2)/351(3)/308(2)/3(5) of BNS, 2023.

Heard Learned Counsel, Mr. M. Saha appearing on behalf of the applicant-accused and also heard Learned P.P., Mr. R. Datta appearing on behalf of the State-respondent.

Taking part in the hearing, Learned Counsel drawn the attention of the Court that based on a FIR laid by one Pradip Chakraborty, this present case has been registered against the applicant-accused and some other persons. It is further submitted

by Learned Counsel for the applicant-accused persons that the present applicant has been falsely implicated in this case without any basis. Learned Counsel thereafter submitted that according to the informant, the last alleged incident took place on 22.12.2025 but this present applicant-accused was out of State w.e.f. 15.12.2025 to till the date of lodging of complaint and he has been returned back on 24.12.2025. In support of this contention, Learned Counsel has drawn the attention of the Court referring the copies of e-tickets which have been enclosed with the bail application. It was further submitted that the applicant-accused was suffering from illness and his son was also suffering and as such the applicant-accused along with his family members went outside the State for the purpose of their treatment. Learned Counsel again submitted that from the contents of the FIR and also from the documents relied upon by the applicant, it will transpire that on the day of alleged occurrence, he was out of State. As such Learned Counsel urged for releasing the accused on bail in any condition.

Per contra, Learned P.P, Mr. R. Datta appearing on behalf of the State-respondent strongly opposed the submission made by Learned Counsel for the applicant and submitted that in this case by order dated 13.01.2026 Section 308(5) of BNSS has been added on the prayer of I.O. by the Learned Trial Court which has been suppressed by the present applicant and furthermore, the present applicant-accused and others were causing disturbance to the informant of this case for a quite long period to grab his landed properties and also for application Section 308(5)

of BNS, the physical presence of accused is not required and furthermore, considering the materials on record, Learned Additional Sessions Judge by order dated 12.01.2026 disallowed the bail application filed by the applicant-accused. So, at this stage, there is no convincing material before this Court to consider the pre-arrest bail application filed by the accused and urged for dismissal of the same.

In this case, prosecution was set into motion on the basis of an FIR laid by one Pradip Chakraborty to O/C, NCC P.S. on 26.12.2025 (although the alleged FIR was drafted and signed on 23.12.2025) against the present applicant-accused and 15 others with the allegation that for last 2 ½ years the accused persons have been attacking the complainant on so many occasions both physically and mentally to grab his landed properties. The accused persons often used to create pressure upon the informant to hand over his land by executing a gift deed but when the informant disagreed with their proposal, thereafter, on 05.11.2023 the accused persons physically assaulted the informant in presence of his family members on the point of revolver and after hearing his hue and cry when the neighbouring persons appeared, the accused persons left that spot. Thereafter, the accused persons continuously started threatening the informant over telephone or through communicators on so many occasions pressurizing him to hand over his land. After that on 13.12.2025 at about 12:00 hours the applicant-accused and others assembled in front of the boundary gate of the informant with deadly weapons in their hand till night around 03:00 hours,

but they could not enter inside his house. As a result of which, the informant got severe life threats. After that the accused persons came to the house of the informant and demanded money of Rs.5,00,000/- being armed with fire arms and under compulsion, the informant was forced to pay Rs.50,000/- to them to save his life as well as his family members. Hence, this FIR was laid. On the basis of the FIR this case has been registered. The investigation of the case is in progress. Initially the case was registered under Section 329(3)/117(2)/351(2)/308(2)/3(5) of BNS, 2023. Later on, on the prayer of I.O. Section 308(5) of BNS was added in this case by the Court. The I.O. in course of investigation has recorded the statement of the informant, his wife and some other persons. It is on record that the applicant-accused along with others were creating disturbance for a quite long period. They threatened to hand over his landed properties on so many occasions sometimes physically assaulted him and sometimes made demonstration in such a manner so that he may be compelled to hand over his landed properties to them and finally, according to prosecution, he was compelled to make payment of Rs.50,000/- to the applicant-accused and others and at the instance of the present applicant-accused some middle men went to the residence of the informant to fulfill their demand. But as he disagreed to their proposal, so, they became furious and forcefully entered into his residence and forced him to pay Rs.50,000/- to them. Even from the relevant prosecution papers, if, it is assumed that on the relevant date the present applicant-accused was absent at Agartala, in that case his involvement with

the alleged offence cannot be ruled out and in all the transactions, the present applicant-accused was directly or indirectly involved with the criminal act and lastly at the time of forcing the informant to pay money, his involvement also cannot be ruled out even, if, he was out of station also.

The investigation of the case is in progress. So, considering the materials on record at this stage, I do not find any scope to consider the pre-arrest bail application filed by the present applicant-accused and more so, he is directly FIR named and accused No.1 of the alleged case. Hence, the pre-arrest bail application filed by the applicant-accused stands rejected being devoid of merit.

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

Also a copy of this order be communicated to the Learned Trial Court for information.

JUDGE

**MOUMITA
DATTA**

Purnita

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