

HIGH COURT OF TRIPURA

A G A R T A L A

AB No.10 of 2026

1. Saydul Kazi, 29 years

S/O Abdul Rahim Kazi, resident of Purba Dataram, Purba Mog Puskarini, P.S. R.K. Pur, Pin 799013, District Gomati Tripura.

2. Abdul Rahim Kazi, 58 years

S/O Habej Miah Kazi, resident of Purba Dataram, Purba Mog Puskarini, P.S. R.K. Pur, Pin 799013, District Gomati Tripura.

3. Md. Raja Miah, 49 years

S/O Ali Akbar, resident of near Youth Club, Chan Ban Rajar Bag, PIN 799116, District Gomati Tripura

..... Accused Petitioner(s)

– V e r s u s –

1. The State of Tripura,

2. Sri Aktar Hossain,

S/O Lt. Jamal Miah, of Dataram (Bazar Para), P.S. R.K. Pur, P.O. A.R. Para, District Gomati Tripura, PIN 799013.

.....Respondent(s)

For the Petitioner(s) : Mr. Subrata Sarkar, Senior Advocate.
Ms. Megha Sarkar, Advocate.

For the Respondent(s) : Mr. Raju Datta, P.P.
Mr. Sankar Lodh, Advocate.

Date of Hearing & delivery : **26th February, 2026.**
of Judgment and Order

Whether fit for reporting : NO

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (ORAL)

Heard learned counsel of both sides.

[2] The petitioners namely, Saydul Kazi, Abdul Rahim Kazi and Md. Raja Miah have resorted to the provision of Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short BNSS) praying for pre-arrest bail in connection with R.K. Pur P.S. case No.66 of 2025 registered under Sections 61(2)/64(2)(m)/127(3)/351(3) of BNS and Section 4 of the POCSO Act, 2012.

[3] The gravamen of the FIR is that on 27.03.2025, the accused persons came to the house of the informant with a proposal for arranging marriage between petitioner No.1 and minor daughter of the informant (name withheld) and the informant agreed with such proposal on condition that such marriage would be solemnized after the bride attains the majority. Thereafter, on 03.04.2025 at around 04.00 pm, the petitioner Nos.1 and 2 came to the house of the informant with a request to take his daughter to their house to attend one social event. Victim accordingly went there. Now, it is the allegation that thereafter she was kept in the house of the petitioner Nos.1 and 2 for six days wherein she was raped by petitioner No.1 and both petitioner Nos.2 and 3 abated to the commission of said offence. Further allegation is that, thereafter the prosecutrix was recovered from that house but the accused persons gave threat to them that if the matter was informed to any other person, they would be killed. Further allegation as borne in the FIR is that about three months ago, said victim was handed over to Child Welfare Committee, Gomati with false allegation at the instance of these petitioners. However, later on, Child Welfare Committee handed over the custody of the victim to the informant.

[4] The FIR was lodged on 09.12.2025 i.e. after about eight and half months of the alleged occurrence.

[5] Mr. Subrata Sarkar, learned senior counsel for the petitioners submits that if such brutal act of rape was committed upon the victim in the house of petitioners and the informant got such information just after the incident, on alleged recovery of her from the house of the petitioners, immediately he would lodge the FIR but it was lodged with an ulterior motive to falsely implicate the petitioners after such prolonged delay without any explanation. Learned senior counsel also refers to some documents including a letter dated 01.09.2025 sent by Project Co-ordinator, District Child Helpline Unit, Gomati to the Chairperson, Child Welfare Committee, Udaipur stating that they got an information that marriage of the minor victim was solemnized with the present petitioner No.1 and thereafter they visited to the location and found the information was true. The parents of the child informed Child Helpline Unit that they were ready to keep their daughter in their custody upto the age of 18 years and after attaining age of 18 years they would return their daughter to her husband's house. Learned senior counsel also refers to another order passed on that day by the Child

Welfare Committee, Udaipur whereby the custody of the victim was handed over to the Centre Administrator, Sakhi One Stop Centre, Tepania, Gomati. Her custody was again thereafter handed over to the informant on 04.09.2025 by said Child Welfare Committee.

[6] According to Mr. Sarkar, learned senior counsel, the entire story as narrated in the FIR was totally false as, according to the Child Welfare Committee authority, the marriage between the petitioner No.1 with the victim was solemnized as per their personal law in a bona fide manner but just after solemnization of such marriage, the victim returned to her parental house where she was residing and from that house, the Child Line authority recovered the victim. According to Mr. Sarkar, learned senior counsel, there was no incident of any cohabitation or rape between petitioner No.1 and the victim, inasmuch as, she never resided or stayed in the house of the petitioner No.1.

[7] Mr. Sarkar, learned senior counsel also submits that some panchayat meetings were convened on several occasions consisting of three panchayat authorities namely, Purba Mog Pushkarini VC Panchayat, Chandrapur RF Panchayat and Purba Chandrapur RF VC Panchayat. Learned senior counsel also refers to a copy of panchayat resolution dated 13.10.2025 to show that to resolve the dispute between the parties, on several occasions such meetings were held but in no occasion the informant or his family members attended the same rather they were non cooperating. Learned senior counsel also refers to another panchayat resolution dated 17.12.2025 wherein it was reflected by the Purba Mog Pushkarini Gram Panchayat authority that in said meeting the informant did not appear but they came to know that Rs.7,00,000/- was demanded by the informant from the accused persons to go for mitigation of said dispute.

[8] Mr. Sarkar, learned senior counsel on that contexts submits that just to have a financial gain by the informant he has designed the said criminal case falsely. Learned senior counsel also submits that learned Sessions Judge, Gomati while rejecting the pre-arrest bail application of the petitioners has mentioned in the order that there was no old past sexual experience of the victim. According to learned senior counsel, if there would be cohabitation of the victim earlier with petitioner No.1 prior to lodging of the FIR after eight months of

alleged occurrence, certainly there would be history of previous physical intercourse.

[9] Mr. Raju Datta, learned P.P. referring to certain materials in the case diary opposes the prayer stating that there are incriminating materials against the petitioners and therefore, their bail prayer may be rejected.

[10] Mr. Sankar Lodh, learned counsel representing the informant submits that the documentations as were prepared and signed by the Child Welfare Committee authority were manufactured by them at the instance of the accused persons and a hand written letter as relied on by the petitioners that the informant himself had written the letter to the Chairperson of Child Welfare Committee, Udaipur to the effect that the marriage of his daughter was solemnized with a boy of their neighbouring village, was never written by the informant or his wife on any occasion. According to Mr. Lodh, learned counsel, in a blank paper, signatures of both the informant and his wife were taken and thereafter said document was prepared. According to Mr. Lodh, learned counsel, the Child Welfare Committee authority is siding with the petitioners and has passed such orders at their instance. Mr. Lodh, learned counsel also submits that from different corners severe pressure has been created upon the informant and the victim to withdraw from said case and to mitigate the matter, to which Mr. Sarkar, learned senior counsel submits that it is totally a false allegation.

[11] This Court has considered the submissions of both sides and has gone through the materials placed in the case diary. This Court has also considered the statements of the victim recorded by the investigating officer as well as by the Judicial Magistrate. Court has also taken note of the medical report of the victim and other statements of witnesses recorded by the investigating officer.

[12] This Court is not inclined to grant pre-arrest bail to the petitioners at this stage considering incriminating materials available against them. Accordingly, such bail prayer is rejected. However, while taking note of the documents submitted from the petitioners' side, it appears that some further informations are also necessary as to whether any marriage was solemnized between the parties and under what circumstances the Child Welfare Committee authority passed such an order and if at all any marriage was solemnized, after such marriage

where the victim was staying and wherefrom the victim was taken to the custody of Child Welfare Committee. Learned P.P. submits that the investigating officer has not investigated the case in that line and also has not investigated about the matter of alleged demand of Rs.7,00,000/- from the side of informant. The investigation is required to be done impartially and independently taking stock of all the relevant facts and circumstances of the case to unearth the actual truth.

The investigating officer also is required to take care of the fact that no pressure or threat is administered from any corner to the prosecutrix or her family members.

With such observations, the bail petition is rejected.

The case diary be returned to learned P.P with copy of this order.

Reconsign the LC record to the learned Trial Court.

Pending application(s), if any, shall also stand disposed of.

JUDGE