

**HIGH COURT OF TRIPURA
A G A R T A L A**

B.A. No.46 of 2026

Smt. Runa Deb,

W/O Sri Litan Debnath, resident of Durgabari Rajar Band, P.S. Airport, Dist West Tripura

..... Petitioner(s)

On behalf of-

Sri Litan Debnath,

Son of Sri Tapan Debnath, resident of Durgabari Rajar Band, P.S. Airport, Dist West Tripura

..... Accused Person(s)

- V e r s u s -

The State of Tripura

.....Respondent(s)

For the Petitioner(s)	:	Mr. Ratan Datta, Advocate. Mr. A. Baidya, Advocate.
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For the Respondent(s)	:	Mr. Raju Datta, P.P.
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HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

ORDER

12/03/2026

Heard learned counsel of both sides.

At the very outset of hearing, Mr. Raju Datta, learned P.P. has submitted that a petition for custody trial of the accused was also submitted by the investigating officer on 21.11.2025 which was despatched from the said police station on 15.01.2026.

It appears that in the order dated 22.01.2026, learned Special Judge (POCSO), West Tripura, Agartala has mentioned of the fact of submission of the charge-sheet as well as said petition for custody trial but ultimately, without giving any decision on the said petition, rejected the bail prayer observing that the investigation of the instant case was in progress. Such observation prima facie shows absence of proper application of mind.

On the next date i.e. on 05.02.2026 also, his prayer for bail was rejected on the ground that investigation was completed within the statutory period and there were incriminating materials in the record and learned Special Judge also fixed calendar for examination of witnesses by framing the charge on that date.

Once a petition is filed by either of the party, be it by the prosecution or by the defence, it is incumbent upon the Court to dispose of said petition by giving due reason. It is not proper to keep the said petition un-disposed of and simultaneously, to reject the bail applications repeatedly on some other grounds. The Court should come to a final decision as to whether the prayer of the investigating officer is to be allowed or not.

Earlier this Court in the case of **Smt. Archana Das Sarkar on behalf of accused Nikhil Sarkar vs. the State of Tripura in BA No.12 of 2026 decided on 19.01.2026** a general direction was given to all the Trial Courts that where such petition of custody trial is filed by the I.O., the Prosecutor will invariably bring it to the notice of the concerned Court immediately and the Court, in turn, will dispose of the petition expeditiously and preferably within 7 days in accordance with law, Therefore, in compliance to said judgment also, the Trial Court is under obligation to dispose of such petition expeditiously. In such a situation, without giving any decision on the merit of this bail application, same is being disposed of with a direction to the learned Special Judge (POCSO), West Tripura, Agartala to dispose of said petition of custody trial within seven days of receipt of copy of this order.

Learned P.P. will also enquire whether learned P.P. has brought the said petition of the investigating officer for custody trial to the notice of the learned Special Judge (POCSO).

Liberty is given to the petitioner to approach this Court again if he feels aggrieved by the decision of the learned Trial Court.

With such observation and direction, the bail application is disposed of at this stage.

Communicate a copy of this order to the learned Special Judge (POCSO) immediately along with Trial Court record.

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

JUDGE

