

**HIGH COURT OF TRIPURA
AGARTALA
AB No.17 of 2026**

Jaydul Hossain (25),
S/O- Anuar Hossain,
Resident of Durga Nagar,
Krishna Kishore Nagar,
Bishalgarh, P.S.- Bishalgarh,
District- Sepahijala, Tripura,
PIN-799102.

--- **Accused-Petitioner**

-Vs-

The State of Tripura

---**Respondent**

For Applicant(s)	:	Mr. Siraj Ali, Adv. Mr. Tushar Ali, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

18/03/2026

Heard Learned Counsel, Mr. Siraj Ali appearing on behalf of the accused-petitioner and also heard Learned P.P., Mr. Raju Datta appearing on behalf of the State-respondent.

This second pre-arrest bail application under Section 482 of BNSS, 2023 is filed by the accused-petitioner for granting him bail in connection with Bishalgarh Police Station Case No.2025-BLG-054 for the offence punishable under Sections 126/117(2)/281/125B/105/351/74/61(2)/103/3(5) of the BNS & 184/187 of MV Act.

Today Learned P.P. has produced the Case Diary.

At this stage, Learned Counsel for the accused-petitioner drawn the attention of the Court that initially this present accused-petitioner and 5 (five) others filed another pre-arrest bail

application before this Court and this Court by order dated 19.09.2025 in A.B. No.67 of 2025 was pleased to grant bail to accused Amir Hossain, Tajul Islam and Sahadul Alam but refused to consider bail of the present accused-petitioner and rest 2 (two) other accused persons. In the meantime, the I/O has come across a considerable stage of investigation and by this time 3 (three) more other accused-persons have been released on bail.

It was further submitted by Learned Counsel for the accused-petitioner that, on the alleged day, the present accused-petitioner was not driving the vehicle but he has been falsely implicated in this case. So considering the materials on record, Learned Counsel for the petitioner prayed for releasing the accused on bail in any condition.

On the other hand, Learned P.P. producing the Case Diary drawn the attention of the Court referring some pages of the Case Diary and submitted that in course of investigation some of the witnesses specifically revealed the name of the present accused-petitioner along with others and the Learned Jurisdictional Magistrate also recorded the judicial statement of some witnesses and from the statements of those witnesses as well as the other witnesses the *prima facie* involvement of the present accused-petitioner cannot be ruled out .

It was further submitted by Learned P.P. that, till today this accused-petitioner is found to be absconding and he has not surrendered either before the police station or to the Learned Court below.

Learned P.P. further drawn the attention of the Court referring the earlier order dated 19.09.2025 passed by this Court wherein in Page No.6 there was a clear observation showing implication of the petitioner with the alleged crime. Alternatively, Learned P.P. also submitted that since the accused-petitioner could not project any sufficient materials to consider pre-arrest bail and as such the subsequent second bail application cannot be sustained and it needs to be rejected henceforth.

Considered.

The prosecution case was registered on the basis of an FIR laid by one Halim Miah to O/C, Bishalgarh P.S. alleging *inter alia* that on 19.06.2025 in the night at about 7:45 pm when he was sitting in the grocery shop of one Kanu Miah, that time he noticed that near Ganiyamara Bazar on Ratan Nagar main road two unknown people by riding one motorcycle were coming from the side of Bishalgarh, Durga Nagar, that time from the opposite side another motorcycle bearing NO.TR07-D-5425, (Bajaj Pulsar 220 CC), being driven by Tapajjal Hossain was proceeding towards Durga Nagar, when some hot altercation took place in between said Tapajjal Hossain and the rider of those motorcycle which was coming from Bishalgarh, Durganagar side regarding Dimmer light of motor cycle and that time, those riders started assaulting Tapajjal Hossain and Tapajjal Hossain made phone call when by riding one Maruti Suzuki Swift bearing No.TR07E0682 few persons namely Faruk Miah, Tapajjal Hossain, Suman Miah, Sahid Miah, Ripan Miah, Asif Miah, Joydul Hossain, Meru Miah, Ujjol Hossain, Fizul Miah came and started assaulting and due to physical assault

Tapajjal Hossain fell down on the road and sustained injuries. That time, the informant and the neighbouring persons appeared therein when Tapajjal fled away and at the time of fleeing away the said vehicle was driven by one Faruk Miah and due to rash and negligent driving dashed against his sister, husband of his sister and rushed away resulting which his sister, his brother-in-law and two others sustained bleeding injury and immediately they were shifted to Bishalgarh Sub Division Hospital and from where they were shifted to TMC Hapania Hospital for better treatment and at TMC Hapania Hospital his brother-in-law namely Rajjak Miah succumbed to his injuries. Hence, the informant laid the FIR. On the basis of the FIR, the case was registered by O/C of the concerned P.S.

I have heard both the sides at length and perused the Case Diary.

The earlier pre-arrest bail application filed by this accused-petitioner was disallowed by this Court on 19.09.2025. It is the admitted position that, initially when the pre-arrest bail application was filed *prima facie* on the basis of some statement of the witnesses incriminating materials reveled against this accused-petitioner, so this Court did not consider it necessary to grant pre-arrest bail to him. But from the Case Diary, it appears to this Court that, the I/O in course of investigation during the month of June, 2025 recorded the statement of some of the witnesses but therefore the I/O could not collect any material against this present accused-petitioner. Even after 19.09.2025 no material has

collected against the petitioner showing his implication with the alleged crime.

Furthermore, there is also no evidence on record, at this stage, that the present accused-petitioner was driving the vehicle on that relevant point of time. There is also no legal embargo for a person to pray for successive pre-arrest bail applications to substantiate his legal rights. There is also no dispute on record at this stage that by this time some of accused persons have been granted bail.

So, considering the nature and the present stage of investigation and also the fact that some of the other accused persons have already been granted bail either by this Court or by the Learned Trial Court, I am inclined to consider pre-arrest bail application to this present accused-petitioner in the event of his arrest of his execution of bond of Rs.1,00,000/- (Rupees One Lakh) with one surety to the satisfaction of O/C of the concerned P.S. with the following terms and conditions:-

- i. That the accused shall not make any inducement, threat to any of the witnesses of the prosecution during the stage of the investigation and trial if any.
- ii. The accused shall not leave the jurisdiction of O/C of concerned P.S. without prior permission.
- iii. The accused shall make himself available for interrogation by I/O as and when called for.

In the event of violation of the conditions of the bail, the I/O shall be at liberty to approach to the competent Court for

cancellation of pre-arrest bail granted to the said accused-petitioner.

With this observation, this present pre-arrest bail application stands disposed of.

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

Supply a copy of this order to Learned Counsel for the accused-petitioner for information and compliance.

JUDGE



Amrita

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