

HIGH COURT OF TRIPURA

AGARTALA

B.A. No.51 of 2026

Sri Haripada Bhattacharjee

S/o Late Jyotirmoy Bhattacharjee, resident of South Hurua, P.O. South Hurua, PS & Sub-Division – Dharmanagar, District – North Tripura, Pin – 799251.

.....**Petitioner(s);**

The accused persons being lodged in judicial custody, the present petition is preferred and presented by the petitioner, i.e. the father of accused person Nos.1 to 3 and family friends of accused person Nos. 4 and 5.

1. Miss Susmita Bhattacharjee,

D/o Sri Haripada Bhattacharjee, resident of South Hurua, Near Panchayat Office, PS & Sub-Division – Dharmanagar, District – North Tripura, Tripura, Pin – 799251.

2. Sri Sourab Bhattacharjee,

D/o Sri Haripada Bhattacharjee, resident of South Hurua, Near Panchayat Office, PS & Sub-Division – Dharmanagar, District – North Tripura, Tripura, Pin – 799251.

3. Miss Sangita Bhattacharjee,

D/o Sri Haripada Bhattacharjee, resident of South Hurua, Near Panchayat Office, PS & Sub-Division – Dharmanagar, District – North Tripura, Tripura, Pin – 799251.

4. Sri Meghadeep Bhattacharjee,

S/o Sri Madhubendra Bhattacharjee, resident of Madhya Nayapara, DMC W/No.11, PS & Sub-Division – Dharmanagar, Tripura, District – North Tripura, Pin- 799251.

5. Miss Piu Dhar,

D/o Sujit Dhar, resident of South Hurua W/No.3, P.S. & Sub-Division – Dharmanagar, Tripura, District – North Tripura, Tripura – 799251.

सत्यमेव जयते**Accused person(s).**
- Versus -

1. The State of Tripura.

2. Sri Nepal Sarkar,

S/o Gopal Sarkar, resident of Kameswar, Ward No.3, Dharmanagar, PS-Dharmanagar, North Tripura.

.....**Respondent(s);**

For the Petitioner(s) : Mr. Raghunath Mukharjee, Advocate,
Mr. Pratik Bhowmik, Advocate.

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

Date of hearing : **09.04.2026.**

Date of delivery of
Judgment & Order : **27.04.2026.**

Whether fit for reporting :

YES	NO
√	

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER

This application under Section 483 of Bharatiya Nagarik Suraksha Sanhita (for short, BNSS), 2023 praying for the grant of bail to the above noted accused persons in connection with Dharmanagar PS case No. 2025 DMN 0122 [renumbered as ST (Type-1) 07 of 2026] under Sections 329(4), 115(2), 103(1), 3(5) of BNS, 2023, now pending in the court of learned Sessions Judge, North Tripura, Dharmanagar who has allowed the prayer for custodial trial of the accused persons vide order dated 02.03.2026 (Annexure-1).

[2] One Sri Nepal Sarkar (Respondent no.2), father of the deceased Prasenjit Sarkar lodged the FIR on 14.12.2025 against said accused Miss Susmita Bhattacharjee, Miss Sangita Bhattacharjee and three others (not named in the FIR) regarding the death of his son whose dead body was found hanging in a jungle nearby his house on that day, with the allegations that on the previous day at around 06:00 pm, at the Blue Dart Courier Service office, Rajbari, the accused persons had some acrimony with his son and recorded the incident on their mobile phones, and thereafter, made it viral. Then, at some point of time in the night, they killed him and get the body hanged.

[3] Initially, the FIR was registered under Sections 329(4), 115(2), 103(1), 3(5) of BNS, 2023 but later on, as per prayer of the Investigating Officer, Section 108 of BNS, 2023 was added. The police, upon completion of the investigation, filed the charge-sheet against all the said accused persons under Sections 126(2), 329(4), 115(2), 108, 3(5) of BNS, 2023. The

Investigating Officer also prayed for custody trial of the accused persons on the ground that they may flee away, if released on bail to avoid the trial, and they may influence witnesses as well as temper the evidences and their lives may also be jeopardised.

[4] The materials against the accused persons as surfaced in the charge sheet after completion of investigation are that said Prasenjit Sarkar was a delivery boy at Blue Dart Courier Service, Dharmanagar and on 13.12.2025, he allegedly abused accused Susmita Bhattacharjee with slang languages and cancelled her online order. Thereafter, all the accused persons came to the Blue Dart Courier Service office at Rajbari where they abused Prasenjit Sarkar with rough language. Accused Sourab Bhattacharjee held the collar of the jacket of Prasenjit and tore it. Thereafter, deceased Prasenjit Sarkar accepted his fault and begged pardon by touching his ears. Then the accused persons recorded the said incident on a mobile phone. After that, accused Sangita Bhattacharjee gave three slaps on his cheek in front of others and while departing from that place, they also threatened that if the said video of the said incident was uploaded in the facebook, he would not be able to show his face anywhere. Thereafter, the franchise owner Nutan Dhar requested accused Meghadeep Bhattacharjee not to upload the said video on facebook. At around 07:00 pm, the deceased left the Blue Dart Courier Service office for his house. In the house, he was found very depressed by his family members. He was crying, but on query, did not disclose anything to his family members, rather, he expressed that he did not want to live anymore. After some time, he went out of his house again to bring his jacket from the said office of Blue Dart, but ultimately he did not return on that night. On the following morning, his body was found

hanging in the jungle on a tree nearby his house. The autopsy surgeon gave the opinion that the cause of death was due to mechanical asphyxia following ante mortem hanging and no other injury was found on his person.

[5] During investigation, the Investigating Officer also seized the mobile phones of deceased, the accused Sangita Bhattacharjee, the NVR of the Blue Dart Courier Service office along with one pen drive containing the video footage of the said incident, the mobile phones of accused Meghadeep Bhattacharjee, Piu Dhar and several other mobile phones. The said video footage was allegedly circulated in a WhatsApp family group among the accused persons, where some of their close relatives were members. After the deceased committed suicide, the video footage was deleted from that group. Accordingly, the Investigating Officer sent all the seized mobile phones along with NVR of CCTV footage to the Cyber Division of State Forensic Science Laboratory (SFSL, for short), Narsingarh. However, the NVR of CCTV footage was returned to the Investigating Officer by SFSL authority for the absence of requisite tools in their office for examination of the same. Therefore it was again sent to the Central Forensic Science Laboratory, Guwahati for examination and the report is still awaited.

[6] The respondent no.2, father of the deceased, was notified by this Court but he has not appeared to contest or object the instant bail application.

[7] Learned counsel, Mr. Raghunath Mukharjee, seeking bail of the petitioners submits that there is no ingredient of 103(1) of BNS, 2023 and the police also did not submit charge-sheet under above said provision of law. But, despite the same, the learned Chief Judicial Magistrate while

committing the case to the learned Sessions Judge, took cognizance of the offence under Section 103(1) of the BNS, 2023. Learned counsel further submits that the accused persons namely Meghadeep Bhattacharjee, Sangita Bhattacharjee and Piu Dhar are students pursuing Master's Degree at Tripura University, and accused Miss Susmita Bhattacharjee is pursuing Master's Degree in IGNOU from Dharmanagar. According to learned counsel, accused Sri Meghadeep Bhattacharjee and Sri Sourab Bhattacharjee have been in custody for 103 days, and other accused persons were in custody for 113 days. Except accused Sri Sourab Bhattacharjee, submits Mr. Mukherjee, all other accused persons are students and accused Sri Sourab Bhattacharjee is a businessman by profession. Learned counsel, also submits that the basic allegation was of uploading video files of said alleged incident of assault upon the deceased in social media platforms, but none of the accused persons had uploaded anything on any social media platform. Moreover, the NVR report and the viscera test report have also not been submitted by the Investigating Officer till date; therefore, the investigation remains incomplete. Thus, learned counsel, prays for bail of the accused persons.

[8] In support of his contention, learned counsel, Mr. Mukharjee relies on a decision of Hon'ble the Supreme Court in case of **Prakash and others versus the State of Maharashtra and another [SLC – Daily Law – 87722]** wherein the Hon'ble Supreme Court observes that Section 306 of the IPC has two basic ingredients- first, an act of suicide by one person and second, the abetment to the said act by another person(s). In order to sustain a charge under Section 306 of the IPC, it must necessarily be proved that the accused person has contributed to the suicide by the

deceased by some direct or indirect act. To prove such contribution or involvement, one of the three conditions outlined in Section 107 of the IPC has to be satisfied. To attract the offence of abetment to suicide, it is important to establish proof of direct or indirect acts of instigation or incitement of suicide by the accused, which must be in close proximity to the commission of suicide by the deceased.

[9] Learned counsel, Mr. Mukharjee, also relies on another decision of Hon'ble the Supreme Court in case of **Shenbagavalli and others versus the Inspector of Police, Kancheepuram District and another** [Criminal Appeal No.4268 of 2024 and Criminal Appeal No.4269 of 2024] decided on 30.04.2025 wherein the Apex Court observes that Section 306 requires a person having committed suicide as a first requirement but for abetment of such commission, which is essential, the ingredients must be found in Section 107 IPC. The requirement of abetment under Section 107 IPC is instigation, secondly engagement by himself or with other person in any conspiracy for doing such thing or act or a legal omission in pursuance to that conspiracy and thirdly intentionally aids by any act or an illegal omission of doing that thing. According to learned counsel there is no prima facie materials to attract Section 108 of BNS.

[10] Learned Public Prosecutor, Mr. R. Datta, on the other hand, refers to the statements of witnesses namely Sri Nepal Sarkar, Sri Nutan Dhar, Sri Nirmal Rudrapaul, Smt. Sipra Deb (Sarkar), Smt. Priya Dhar and Sri Nilashish Paul and submits that there are sufficient ingredients of Section 108 BNS against the accused petitioners. According to Learned Public Prosecutor, the deceased was a delivery boy working in a courier

service, and considering his academic and social background, the incident made him mentally hurt severely. Therefore, some of the witnesses have stated in their statements that just after the incident, the deceased was crying and expressed that he did not want to live further.

[11] Learned Public Prosecutor further submits that immediately after the incident, all the accused persons absconded and were arrested by the police from Assam- Tripura Border at Churaibari. Moreover, from the interrogation report of accused Susmita Bhattacharjee, it is found that she had already destroyed some evidences by deleting the uploaded video files from social media platform i.e. WhatsApp group. Therefore, according to learned Public Prosecutor, if released on bail, the accused persons are not only likely to abscond and may further try to destroy evidences. Therefore, the bail prayer may be rejected.

[12] In support of his contention, learned Public Prosecutor relies on a decision of Hon'ble the Supreme Court in case of **Ude Singh and others versus State of Haryana [(2019) 17 SCC 301]** wherein the Apex Court held as under:

"16.1. For the purpose of finding out if a person has abetted commission of suicide by another, the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above referred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of the accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to

commit suicide, the case may fall within the four corners of Section 306 IPC. If the accused plays an active role in tarnishing the self-esteem and self-respect of the victim, which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide. The question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased.

16.2. We may also observe that human mind could be affected and could react in myriad ways; and impact of one's action on the mind of another carries several imponderables. Similar actions are dealt with differently by different persons; and so far a particular person's reaction to any other human's action is concerned, there is no specific theorem or yardstick to estimate or assess the same. Even in regard to the factors related with the question of harassment of a girl, many factors are to be considered like age, personality, upbringing, rural or urban set-ups, education, etc. Even the response to the ill action of eve teasing and its impact on a young girl could also vary for a variety of factors, including those of background, self-confidence and upbringing. Hence, each case is required to be dealt with on its own facts and circumstances."

[13] This Court has considered the submissions of both sides and has also considered the materials placed in the record. Law is no longer res integra that abetment involves a mental process of instigating a person or intentionally aiding a person to do a particular thing. Without a positive act

on the part of the accused to instigate or aid in committing suicide, conviction under Section 306 of the IPC [Section 108 of BNS, 2023] cannot be sustained. In order to sustain a charge under Section 306 of the IPC, it must necessarily be shown that the accused person has contributed to the suicide by the deceased by some direct or indirect act and to prove such contribution or involvement, one of the three conditions outlined in Section 107 of the IPC has to be satisfied and there should also be requisite mens rea on the part of the accused persons in abetting such offence. According to the Hon'ble Supreme Court, as discussed in case of **Ude Singh and others (supra)**, if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide.

[14] It appears that concerning the incident that occurred in the Blue Dart Courier Service office at Dharmanagar, the deceased was very much mentally shocked and became depressed. Consequently, he committed suicide on the same day at night. However, this is a case of solitary incident and not a continuous act of harassment. Prima facie, there is no material regarding direct inducement, instigation or aiding by the accused persons in commission of suicide by the deceased, however, whether the accused persons by their such acts tarnished the self-esteem and self-respect of the victim to that extent that he was compelled to commit suicide or whether there is any indirect abatement from their side, are the matter of facts that can be ascertained only when evidences are recorded.

[15] It also reveals that all the accused persons are in custody for a considerable period. Accused Susmita Bhattacharjee, Sourab Bhattacharjee and Sangita Bhattacharjee were arrested by police on 18.12.2025 at

Churaibari area, which is within the same district where their house is situated. Similarly, accused Meghadeep Bhattacharjee and Piu Dhar were arrested from the same area on 27.12.2025. Since then, they are in custody. All the accused persons have their permanent addresses in Dharmanagar, and therefore, the chance of their abscondence is lesser. Moreover, four of them are students and one is having his business at Dharmanagar. Nothing is there in record that they are influential persons.

[16] Though the Investigating Officer in his prayer for custody trial vide his petition dated 14.02.2026, mentions that if they are released on bail, they may flee away from their local area and may also influence witnesses in exchange of money and muscle power and that their lives may also be at risk, he has not elaborated these grounds by mentioning relevant facts to justify such claim. There is also nothing on record to indicate that their antecedents are bad.

[17] The learned Sessions Judge, while allowing the petition for custody trial, took note of an order dated 09.01.2026 passed by learned Chief Judicial Magistrate, North Tripura, Dharmanagar, during the investigation stage. The said order reflects the submission of learned Additional Public Prosecutor that the Investigating Officer had reported that previously one person, under the instruction of accused Meghadeep Bhattacharjee, had threatened one witness of the case and on that issue, one complaint was also filed in the police station. However, learned Chief Judicial Magistrate did not make any observation or gave any finding as to whether such allegation was correct or not. The Investigating Officer, in his petition for custody trial, also did not mention of any such incident. In the charge-sheet, the Investigating Officer has not mentioned specifically

anything that the video footage of any such incident was uploaded in the facebook account or in any other open social media platform and that it was deleted by any of the accused persons from their accounts. The required mobile phones are already seized by the police.

[18] Time and again, it has been reiterated by the Apex Court as well as by the High Courts that that bail is the general rule and jail is the exception, for, pre-trial detention has its own punitive contents within it and it is a restriction imposed upon the personal liberty of a person as enshrined in Art.21 of the Constitution. Unless there are reasonable grounds to curtail such liberty by keeping the accused person behind the bar during trial, in normal course, such bail prayer should be considered favourably.

[19] Long ago, in **State of Rajasthan, Jaipur versus Balchand alias Baliay, (1977) 4 SCC 308** : the followings were observed by the Apex Court:

“2. The basic rule may perhaps be tersely put as bail, not jail, except where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like, by the petitioner who seeks enlargement on bail from the Court. We do not intend to be exhaustive but only illustrative.”

[20] In **Gurcharan Singh and others versus State (Delhi Administration), (1978) 1 SCC 118**, also the following observations were made by the Hon'ble Supreme Court-

“22. In other non-bailable cases the Court will exercise its judicial discretion in favour of granting bail subject to sub-section (3) of Section 437, Cr.P.C. if it deems necessary to act under it. Unless exceptional circumstances are brought to the notice of the Court which may defeat proper investigation and a fair trial, the Court

will not decline to grant bail to a person who is not accused of an offence punishable with death or imprisonment for life.”

[21] In **Moti Ram and others versus State of Madhya Pradesh, (1978) 4 SCC 47**, Hon'ble Mr. Justice V.R. Krishna Iyer in his Lordship's erudite expression observes the followings-

“**14.** The consequences of pre-trial detention are grave. Defendants presumed innocent are subjected to the psychological and physical deprivations of jail life, usually under more onerous conditions than are imposed on convicted defendants. The jailed defendant loses his job if he has one and is prevented from contributing to the preparation of his defence. Equally important, the burden of his detention frequently falls heavily on the innocent members of his family.”

[22] The Apex Court in **State of U.P. through CBI versus Amarmani Tripathi, (2005) 8 SCC 21**, also made the following observations-

“**18.** It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail [see *Prahlad Singh Bhati v. NCT, Delhi* [(2001) 4 SCC 280 : 2001 SCC (Cri) 674] and *Gurcharan Singh v. State (Delhi Admn.)* [(1978) 1 SCC 118 : 1978 SCC (Cri) 41 : AIR 1978 SC 179]]. While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material

to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused.....”

[23] In **Siddharam Satlingappa Mhetre versus State of Maharashtra and others, (2011) 1 SCC 694**, the basic principle that personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case, was reiterated in paragraph no.116.

[24] Further, in **Sanjay Chandra versus Central Bureau of Investigation, (2012) 1 SCC 40**, the followings are again observed at paragraph no.27-

“**27.** This Court, time and again, has stated that bail is the rule and committal to jail an exception. It has also observed that refusal of bail is a restriction on the personal liberty of the individual guaranteed under Article 21 of the Constitution.”

[25] Keeping in mind the above said settled position of law and in view of the materials placed through investigation as discussed earlier, it appears to the Court that it is a fit case to grant bail to the accused persons. So far the plea of the investigating officer that if the accused persons released on bail, their lives may be at risk is concerned, this cannot be a justifiable ground to deny the bail, since it is the duty of the State to protect their lives and properties.

[26] Considering thus, the bail prayer is allowed. It is ordered that all the above said accused persons may go on bail on furnishing a bond of Rs.1,00,000/- [Rupees one lakh] only with one surety each of like amount to the satisfaction of the learned Sessions Judge, North Tripura, Dharmanagar, with the following further conditions that:

- (a) the surety should be financially sound and should be permanent resident of Tripura;
- (b) the accused persons will not try to make any contact directly or indirectly with any of the witnesses of the case and will not try to influence or terrorize any of them to dissuade them from divulging the truth before the Court;
- (c) they will regularly attend the Court to face trial;
- (d) the accused persons will not leave the State of Tripura without prior permission of the learned Sessions Judge;
- (e) Violation of any of these conditions by any of the accused persons may be a good ground for cancellation of his/her bail.

[27] With the above observations and directions, the instant bail application is disposed of. It is, however, clarified that the observations made hereinabove for limited purpose of deciding the merit of bail application, will have no bearing in trial.

Communicate a copy of this order forthwith to learned Sessions Judge, North Tripura, Dharmanagar.

Return the Trial Court record.

JUDGE