

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

B.A. No.56 of 2026

Sri Dhiman Debbarma,

S/O late Suresh Debbarma, aged about 42 years, resident of Darogamurapara, East Simna, P.S. Sidhai, District West Tripura.

The accused person being lodged in judicial custody, the present petition is preferred and presented by the father of the accused person, named above.

..... Applicant(s)

Sri Suhit Debbarma,

S/O Sri Dhiman Debbarma, aged about 21 years, resident of Darogamurapara, East Simna, P.S. Sidhai, District West Tripura.

..... Accused Person(s)

– V e r s u s –

The State of Tripura

.....Respondent(s)

For the Applicant/Accused person(s) : Mr. Sankar Lodh, Advocate.

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

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

ORDER

26/03/2026

Heard learned counsel of both sides.

[2] The accused, Suhit Debbarma was arrested by the police on 01.07.2025 in connection with Sidhai P.S. Case No.38 of 2025 registered under Sections 103(1) and 238(a) of Bharatiya Nyaya Sanhita, 2023 (in short, the BNS) with the allegation of being involved with the commission of murder of one Bikash Debnath along with his associates.

[3] The police investigated the case and finally, submitted the charge-sheet on 26.09.2025 against the accused persons namely, (1) Pratosh Debbarma under Sections 103(1)/238(a)/61(2)(a)/3(5) of BNS, (2) Sri Suhit Debbarma under Sections 103(1)/238(a)/3(5) of BNS, (3) Sri Birbikram Debbarma and (4) Sri Jora Debbama under Sections 61(2)(a)/238(a) of BNS.

[4] Mr. S. Lodh, learned counsel submits that earlier the present accused applied for bail before this High Court in B.A. No.08 of 2026 but as the prayer of investigating officer for custody trial of the accused petitioners was pending before the learned Magistrate, this Court rejected the bail prayer without expressing any opinion on the merit of the bail application and with a direction to the learned Magistrate to dispose of the said petition for custody trial expeditiously. Liberty was also given to present accused to approach the appropriate authority in case any grievance further persists regarding the order of learned Magistrate. Mr. Lodh, learned counsel submits that thereafter vide order dated 24.02.2026 (Annexure 8), learned Magistrate rejected the prayer for such custody trial on the ground that no reason was assigned by the investigating officer to justify his prayer for such custody trial of the accused persons, however, simultaneously, rejected the bail application too. Mr. Lodh, learned counsel also submits that the present accused is not the prime accused of the case and he is in custody for more than eight months and if released on bail, he will not anyway tamper the evidence and will not try to influence any witness of the case.

[5] Mr. Raju Datta, learned P.P. opposing the prayer submits that two witnesses namely, Risha Debbarma and Bijoy Bhattacharjee are the key witnesses of the occurrence as according to their statement after the alleged commission of crime, the present accused with the prime accused, Pratosh Debbarma went to the house of Risha Debbarma with auto rickshaw of the deceased and passed their night there and Bijoy Bhattacharjee stated before the police that after alleged commission of crime, accused Pratosh Debbarma came to his shop and collected petrol, bottles of beer and other items and thereafter, that petrol container and bottles of beer were recovered from the place of occurrence. Therefore, there is apprehension that if released on bail, the present accused may influence these two principal witnesses of the case.

[6] Mr. Lodh, learned counsel, in reply submits that the present accused has not visited the shop of Bijoy Bhattacharjee as per his statement itself and he has also no direct access to Risha Debbarma as prime accused Pratosh Debbarma is the boyfriend of Risha Debbarma. Moreover, according to Mr. Lodh, learned counsel, bail may be granted imposing necessary restriction that the accused will not visit the locality of these two witnesses.

[7] Court has considered the submissions of both sides and has also perused the petition for custody trial filed by the investigating officer.

[8] As it is found, the investigating officer simply made a general statement with a prayer for arranging custody trial of the arrested accused persons but no reason has been assigned as to why the investigating officer felt it necessary for custody trial of the accused persons. The investigation is already complete. For a considerable period, the present accused is in custody. As per statement of witness Risha Debbarma, Pratosh Debbarma is her boyfriend and the present accused only went to her house with Pratosh Debbarma and stayed there for one night after the alleged crime. Therefore, Pratosh Debbarma is the person who has close relation with Risha and not the present accused.

[9] Considering all these aspects, the bail prayer of the present accused, Suhit Debbarma is allowed. He may go on bail on furnishing bond of Rs.50,000/- with one surety of like amount to the satisfaction of the learned Magistrate dealing with the case on condition that-

- (i) the surety must be a permanent resident of Tripura;
- (ii) the accused will give his attendance at Sidhai P.S. once in a week till above said two witnesses namely, Risha Debbarma and Bijoy Bhattacharjee are examined by the Court;
- (iii) he will not try to enter into Rajghat area under Lefunga P.S. and Brahmakunda area under Sidhai P.S. till those two witnesses are examined;
- (iv) he will not try to anyway make any contact, directly or indirectly, with any witness of the case; and,
- (v) he will provide his mobile number to the learned Magistrate and also to the investigating officer of the case within three days of his release on bail. He will not change or hand over his SIM to any other person till trial is completed.

If any of such condition is violated by him, the prosecution will be at liberty to approach the concerned Court for cancellation of his bail.

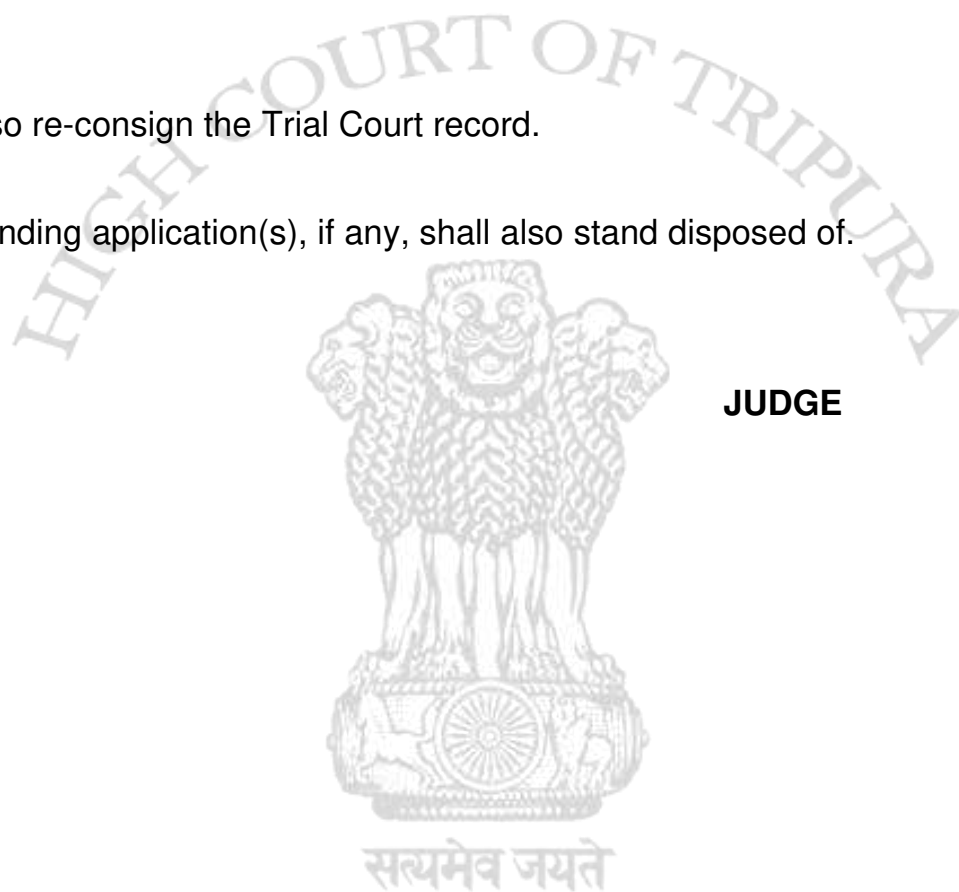
With such directions, the bail application is disposed of.

Send a copy of this order to learned Magistrate immediately.

Communicate a copy of this order to learned P.P. for appraisal of police authority.

Also re-consign the Trial Court record.

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



JUDGE