



TRHC010005522026

2026:THC:596

HIGH COURT OF TRIPURA

A G A R T A L A

B.A. No.66 of 2026

&

CRL. PETN. No.22 of 2026

In B.A. No.66 of 2026

Sri Sourab Nath

son of Sri Chitta Ranjan Nath, resident of
Netajipara, West Dighalbag, P.S. Dharmanagar,
District- North Tripura

..... Petitioner (s)

On behalf of:

Sri Souvik Nath

son of Sri Chitta Ranjan Nath, resident of
Netajipara, West Dighalbag, P.S. Dharmanagar,
District- North Tripura

..... Accused person(s)

By Advocate:

Mr. S. Sarkar, Sr. Advocate
Mr. K.D. Singha

- Versus -

The State of Tripura

By Advocate:

Mr. R. Datta, PP

In CRL. PETN. No.22 of 2026

Sri Souvik Nath

son of Sri Chitta Ranjan Nath, resident of
Netajipara, West Dighalbag, P.S. Dharmanagar,
District- North Tripura

..... Petitioner (s)

By Advocate:

Mr. S. Sarkar, Sr. Advocate
Mr. K.D. Singha

- Versus -

The State of Tripura

By Advocate:

Mr. R. Datta, PP

..... Respondent(s)

Date of hearing : 11.05.2026
& delivery of order

Whether fit for reporting :

Yes	No
	✓

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

ORDER

Heard Mr. S. Sarkar, learned senior counsel assisted by Mr. K.D. Singha, learned counsel appearing for the accused petitioner and Mr. R. Datta, learned P.P. appearing for the State.

[2] Mr. S. Sarkar, learned senior counsel submits that the Sessions Judge, North Tripura, Dharmanagar has allowed the prayer of the investigating officer for custody trial of the accused person vide order dated 13.03.2026. Challenging the said order dated 13.03.2026, the Criminal Petition No.22 of 2026 is filed.

[3] Both the present bail application bearing B.A. No.66 of 2026 and Criminal Petition No.22 of 2026 are heard together and are being disposed of by this common order.

[4] The present accused, namely Sri Souvik Nath was arrested on 11.10.2025 in connection with Dharmanagar P.S. Case No.87 of 2025 under Sections 281/125(b) of Bharatiya Nyaya Sanhita, 2023 [for short the BNS], and under Sections 184/187 of the Motor Vehicles Act, 1988 [for short the MV Act] with adding Sections of 106(1)/105 of BNS. After arrest till today the accused is in custody.

[5] The allegation as stated in the FIR are that on 30.09.2025, at about 11:20 PM, Sri Abhijit Debnath (husband of the informant] along with their son Sri Abhirup Debnath, were proceeding towards Netajipara, the informant's parental

home on foot, after getting down from an E-rickshaw. At that time, one Maruti Car [Wagonr VXi] bearing No.TR-05-D-0436, driven by the accused Sri Souvik Nath coming from Dharmanagar town side in a high speed and in rash and negligent manner hit them from behind. As a result, both the husband and their son fell down on the road and sustained severe bleeding injuries. The left hand side of the husband of the informant was broken and he also sustained severe injuries on his head. The left leg of the son of the informant was broken and he also similarly sustained severe injuries on his head. Immediately after the accident, they were admitted to Dharmanagar District Hospital but due to their critical conditions, the doctors referred them to any better centre. They were then brought to Valley Hospital at Silchar but due to non-availability of doctors, they were taken to Silchar Medical Hospital, Assam. It is alleged that due to careless, rash and negligent driving of the accused, the said accident occurred. Investigation revealed that afterwards, the minor child died due to said unfortunate and shocking incident.

[6] The police has laid the charge-sheet and charges are also framed by the learned trial court under Sections 281/125(b) & 105 of BNS and also under Sections 184 & 187 of MV Act. However, the witnesses of prosecution are yet to be examined.

[7] Mr. Sarkar, learned senior counsel with all emphasis submits that the ground of arrest was not communicated to the accused person in effective manner, rendering the arrest itself illegal and moreover, for about 212 days, the accused is in custody. Learned senior counsel also submits that initially the notice dated 03.10.2025 under Section 133 of the MV Act was served upon the accused person who in due compliance of the same, appeared on 08.10.2025 before the police station with all necessary vehicular documents. But at that time, he was not arrested and subsequently, he was arrested without any

reason on the aforesaid date from Dharmanagar Railway Station. Learned senior counsel, therefore, submits that the accused is required to be released on bail immediately as his arrest has already been rendered illegal for violation of Article 22(1) of the Constitution and moreover, he has his permanent address at Dharmanagar and there is no chance of his abscondance and tempering with the witnesses.

[8] Mr. R. Datta, learned PP however opposes the prayer. On asking by this Court, learned PP under instructions from the investigating officer, submits that the notice of ground of arrest was duly served upon the accused person in compliance of Article 22(1) of the Constitution.

[9] This Court earlier vide order dated 28.04.2026 found some obscurity and vagueness in the wording mentioned in the document containing grounds of arrest and therefore, learned PP was instructed to collect further information as to whether any other separate document containing details of the incident as ground of arrest was communicated to the accused or not, and actually, in which manner, either oral or in writing, the intimation of ground arrest or fact of arrest, was communicated to the family members of the accused person or his near relatives.

[10] To that query, learned PP today submits that except the said document which is available in the case diary, no further document was communicated either to the accused person or to any family member or relative of the accused person.

[11] This Court has considered the submissions of both sides.

[12] The relevant portion of the notice to inform ground of arrest under Section 47 of the BNSS as was served upon the accused is extracted hereunder in details:

“The FIR named A/P has been arrested U/s-281/125(b)/106(i) of BNS, 2023 and Section 184/187 of M.V. Act, 1988 and the ground of arrest has been duly to his family members and to him and full details was being over to the accused person in his own language.”

[13] Apart from the decisions of the Hon'ble Supreme Court in the cases of **Pankaj Bansal vs. Union of India, (2024) 7 SCC 576** and **Prabir Purkayastha vs. State (NCT of Delhi), (2024) 8 SCC 254**, even in the case of **Vihaan Kumar vs. the State of Haryana and another, (2025) 5 SCC 799**, it was observed by the Hon'ble Supreme Court at paragraph No.18 that as far as Article 22(1) is concerned, compliance can be made by communicating sufficient knowledge of the basic facts constituting the grounds of arrest to the person arrested. The grounds should be effectively and fully communicated to the arrestee in the manner in which he will fully understand the same. Therefore, it follows that the grounds of arrest must be informed in a language which the arrestee understands.

[14] In Para-26.2 of **Vihaan Kumar** (supra) it was again reiterated that the information of the grounds of arrest must be provided to the arrested person in such a manner that sufficient knowledge of the basic facts constituting the grounds is imparted and communicated to the arrested person effectively in the language which he understands. The mode and method of communication must be such that the object of the constitutional safeguard is achieved.

[15] Thereafter, again in the case of **Kasireddy Upender Reddy vs. State of Andhra Pradesh and others [Criminal Appeal No.2808 of 2025 @ SLP (CRL) No.7746 of 2025]**, Hon'ble Supreme Court at paragraph No.28 further observes that for the purposes of Clause (1) of Article 22, it is not necessary for the authorities to furnish full details of the offence. However, the information should be sufficient to enable the arrested person to understand why

he has been arrested. The grounds to be communicated to the arrested person should be somewhat similar to the charge framed by the Court for the trial of a case.

[16] Now, on perusal of the grounds of arrest, as communicated to the accused person and as extracted hereinabove, it appears that except mention of certain offences under BNS, 2023 and MV Act, 1988 nothing was communicated to the accused person. Even in a very brief manner about the basic facts of the alleged offences were also not communicated to him. Therefore, it cannot be said that it was an effective communication made from the side of the arresting authority to the accused person regarding the ground of arrest in due compliance of Article 22(1) of the Constitution. In such a serious case, how the arresting officer can be so casual regarding giving of intimation of grounds of arrest to the arrested accused person. Moreover, for more than 200 days, the accused is in custody. The investigation is completed long ago and the accused is a resident of Dharmanagar itself.

[17] Considering all these aspects, the bail prayer is allowed. The accused, Sri Souvik Nath may go on bail on furnishing a bond of Rs.1,00,000/- [Rupees One lakh] only along with one surety of the like amount to the satisfaction of the learned Sessions Judge, North Tripura, Dharmanagar on conditions that (i) the accused person will regularly attend the Court to face the trial (ii) he will not try to make any contact or to terrorize or influence any witness of the case; and (iii) he will not leave the State of Tripura without prior permission of the learned Sessions Judge, North Tripura, Dharmanagar. Violation of any of such conditions, will be a valid ground to cancel his bail.

With such observation and directions, this bail application is disposed of.

Accordingly, the order dated 13.03.2026 passed in S.T.(T-1) 02 of 2026 by the learned Sessions Judge, North Tripura, Dharmanagar is set aside and Crl. Petn. No.22 of 2026 is allowed and disposed of.

Communicate the copy of this order immediately to the learned Sessions Judge, North Tripura, Dharmanagar.

Reconsign the records of the learned trial Court.

Return the CD to learned P.P with a copy of this order.

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

JUDGE

