

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

A.B. No.21 of 2026

Md. Raja Miah,

S/O Lt. Ali Akbar, R/O+Vill Near Youth Club Chhan Ban, P.O. Rajar Bag, P.S.
R.K. Pur, Dist. Gomati, Pin 799116.

..... Applicant(s)

– V e r s u s –

The State of Tripura

.....Respondent(s)

For the Applicant	:	Mr. Ratan Datta, Advocate. Mr. Ankan Tilak Paul, Advocate. Mr. Aditya Baidya, Advocate.
For the Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

ORDER

06/04/2026

Heard learned counsel of both sides.

The petition for pre-arrest bail is submitted by applicant namely, Md. Raja Miah in connection with Women R.K. Pur P.S. case No.66 of 2025.

Mr. Raju Datta, learned P.P. first of all has brought it to the notice that earlier this applicant also submitted one petition for pre-arrest bail during the investigation of the case and at that time, the informant of the case namely, Akhtar Hossen was made a party therein and said bail application was rejected.

It is submitted by both the sides that charge-sheet is already thereafter filed by the investigating officer in this case before the Court and cognizance of offence is also taken by the learned Special Judge (POCSO), Gomati of the alleged offences against the applicant and others.

Mr. Ratan Datta, learned counsel of the applicant by placing one copy of summons issued in respect of the present applicant submits that at present

summons has been issued to the applicant for his appearance before the learned Special Judge but he is apprehending that if he surrenders before the Court, he may be taken into custody in view of some observation made by this Court in earlier bail application bearing No. AB 10 of 2026 and therefore, he has approached this Court for pre-arrest bail.

Mr. Raju Datta, learned P.P., on the other hand, submits that vide order dated 10.03.2026, direction was issued by learned Special Judge for issuing non-bailable warrant against the accused persons. It was also simultaneously observed by learned Special Judge that filing of a charge-sheet without conducting necessary medical and forensic examination of the accused in a case of penetrative sexual assault might render the investigation incomplete and could not be treated as a proper charge-sheet under Sections 187 or 193 BNSS.

Therefore, it is not clear before the Court whether at all the charge-sheet so submitted is accepted by the Court of learned Special Judge or not, but order for issuing non-bailable warrant has already been passed. Again the summons issued on 01.04.2026 by learned Special Judge, as submitted from the side of applicant, shows that the applicant has been asked to appear before the Court on 12.05.2026 and it is also not clear before the Court whether Court was pursuing the non-bailable warrant of arrest or the summons but the summons is the latest one which has been issued against the present applicant. Therefore, this Court is treating this summons to be the last decision of the learned Special Judge regarding the procurement of attendance of the present applicant. In such a situation, Court does not find any apprehension of arrest prevailing in respect of the present applicant for which he can seek pre-arrest bail.

Mr. Ratan Datta, learned counsel submits that the applicant is willing to surrender before the Court of learned Special Judge on the date fixed but his only apprehension is that in view of rejection of pre-arrest bail application earlier by this Court, solely on that ground he may be refused with the bail. Mr. Datta, learned counsel further submits that in such a situation no notice is required to be sent to the informant as he is not pressing the present bail application, provided liberty may be given to the applicant to place all the materials before the learned Special Judge which are placed before this Court in this bail application and a

direction may be given to the learned Special Judge to consider these documents while deciding the bail application and to pass an order following the established parameters regarding consideration of bail application after filing of the charge-sheet.

Considered the submissions.

The bail application, is accordingly, disposed of being not pressed.

In case the present applicant surrenders before the Court of learned Special Judge in compliance with the summons issued to him by said learned Court and file any bail application for him, the learned Trial Court will decide the bail application after hearing the parties and also after taking into consideration the material placed in the charge-sheet and the materials placed by the applicant as indicated above and also following the due procedure of law.

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

Communicate a copy of this order to learned Special Judge.

JUDGE