

**HIGH COURT OF TRIPURA
AGARTALA
CRL.A(J) NO.12 OF 2026**

Saikat Talapatra,
S/o- Lt. Ranjit Talapatra,
R/o- A.D. Nagar, Road No.6,
P.S.- A.D. Nagar, Agartala, West Tripura,
Pin-799001.

..... **Appellant(s)**

Versus

The State of Tripura,
(To be represented by the L'd Public Prosecutor,
The Hon'ble High Court of Tripura.

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

For the Appellant(s)	: Mr. P. Roy Barman, Sr. Advocate. Mr. S. Bhattacharjee, Advocate. Mr. K. Nath, Advocate. Ms. S. D. Barman, Advocate. Ms. S. Das, Advocate. Ms. A. Debbarma, Advocate. Ms. D. Shil, Advocate. Mr. D.D. Chowdhury, Advocate. Ms. J. Debnath, Advocate. Ms. D. Paul, Advocate.
----------------------	---

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

Date of hearing	: 24.04.2026.
-----------------	---------------

Date of delivery of Judgment & Order	: 28/04/2026
---	--------------

<u>Whether fit for reporting</u>	: YES.
----------------------------------	--------

**HON'BLE JUSTICE DR. T. AMARNATH GOUD
J U D G M E N T & O R D E R**

1. The present appeal has been preferred under Section 14.A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities)

Act, 1989, assailing the order dated 06.03.2026 passed by the Learned Special Judge, West Tripura, Agartala in Special (SC/ST Atrocities) Case No. 1 of 2023, whereby the prayer for grant of bail to the appellant/accused was rejected.

2. The prosecution case emanates from a written ejahar dated 14.10.2023 lodged by the informant, namely Pradyut Kishore Manikya Debbarma, before the Officer-in-Charge of West Agartala Police Station. In the said ejahar, it was alleged that the appellant had uploaded and circulated a video on a social media platform/channel styled as “*Independent*,” accompanied by a caption which, according to the informant, contained objectionable and provocative expressions. It was further alleged that the contents of the said video included remarks which were allegedly hate-inducing in nature and directed towards a particular community. Additionally, it was alleged that the appellant made certain scandalous comments concerning the informant, including remarks of a sexually coloured nature in relation to members of the informant’s family, as well as objectionable statements concerning the informant’s political affiliations and supporters.

3. The ejahar further discloses that although the video had been posted in or around July, 2023, no immediate action was taken by the informant at that time. However, subsequently, following the arrest of the appellant and upon queries raised by associates and family members of the informant regarding the steps taken in relation to the said video, the informant proceeded to lodge the complaint. It was also alleged that the said video led to widespread resentment among certain sections of the public.

4. On the basis of the said ejahar, West Agartala P.S. Case No. 2023WAG190 dated 14.10.2023 came to be registered against the appellant under Sections 153A, 354A, 504, 505, and 509 of the Indian Penal Code, Section 67 of the Information Technology Act, and Sections 3(1)(r), 3(1)(u), 3(1)(w)(ii), and 3(2)(va) of the SC & ST (Prevention of Atrocities) Act, 1989.

Following registration of the case, the appellant was arrested on 20.10.2023 and has remained in judicial custody since then.

5. Upon completion of investigation, the Investigating Officer submitted charge-sheet against the appellant under the aforesaid provisions of law. Thereafter, by order dated 10.12.2024, the Learned Special Judge framed charges against the appellant under Sections 153.A, 153.B, 354.A, 294, 354.A(iv), 354.B, 504, 505, and 509 of IPC along with Section 67 of the IT Act and Sections 3(1)(r), 3(1)(s), 3(1)(u), 3(1)(w)(ii), and 3(2)(va) of the SC & ST(Prevention of Atrocities) Act 1989.

6. It appears from the record that the trial proceeded thereafter, and in the course of trial, as many as 37 witnesses were examined and cross-examined. The matter reached the stage of final arguments, and arguments on behalf of the prosecution commenced on 20.02.2026. The case was subsequently fixed for defence arguments on 10.03.2026, indicating that the trial had substantially progressed.

7. In the meantime, on 05.03.2026, the appellant preferred an application for bail before the Learned Special Judge, *inter alia*, on the grounds that he had been in judicial custody for a considerable period of time, that the trial was at an advanced stage, and that continued detention was not warranted. It was further contended on behalf of the appellant that prolonged incarceration adversely affected his ability to effectively consult with his defence counsel for the purpose of final arguments. The prosecution opposed the said application, contending, *inter alia*, that serious offences had been alleged and that the period of custody undergone by the appellant did not entitle him to the benefit of statutory provisions relating to bail.

8. The Learned Special Judge, after hearing the parties, by order dated 06.03.2026, rejected the bail application of the appellant, taking into account the nature of the charges framed, including offences carrying higher

punishment, and the stage of the proceedings. The matter was thereafter fixed for continuation of arguments.

9. Subsequently, the appellant approached the Hon'ble High Court of Tripura by filing B.A. No. 49 of 2026 challenging the said order of rejection of bail. However, the Hon'ble High Court, by judgment and order dated 23.03.2026, dismissed the said application as not maintainable in view of the provisions of Section 14.A(2) of the SC & ST (Prevention of Atrocities) Act, 1989.

10. Being aggrieved by and dissatisfied with the order dated 06.03.2026 passed by the Learned Special Judge, West Tripura, Agartala, the appellant has preferred the present appeal under Section 14.A(2) of the SC & ST (Prevention of Atrocities) Act, 1989 seeking grant of bail.

11. Heard Mr. P. Roy Barman, learned Sr. counsel assisted by Mr. S. Bhattacharjee, learned counsel appearing for the appellant as well as Mr. R. Datta, learned P.P., appearing for the respondent.

12. Mr. Roy Barman, learned Sr. counsel appearing for the appellant submits that the impugned order rejecting bail is unsustainable in law as well as on facts and that the appellant is entitled to be released on bail. Learned Sr. counsel stated that appellant has been in judicial custody since 20.10.2023, and has thus undergone a substantial period of incarceration. It is stated that even after taking into account the alleged delay attributed to the appellant, the period of custody already undergone is significant and entitles the appellant to the benefit of statutory bail under Section 479 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), as well as in light of the principles underlying Section 531 BNSS. It is submitted that the appellant has already undergone more than one-third of the maximum prescribed punishment, and therefore continued detention would be contrary to the mandate of law.

In support of the said contention, reliance has been placed on the judgment of the Hon'ble Supreme Court in Writ Petition (Civil) No. 406/2023 dated 23.08.2024, wherein it has been emphasized that undertrial prisoners should not be kept in custody for an unduly long period when they have undergone a substantial part of the sentence.

12.1. Learned Senior Counsel further submits that the appellant is a permanent resident of the State of Tripura, a citizen of India, and has roots in society. It is contended that the appellant is not a hardened criminal, terrorist, or a person having any such connections which would prejudice the investigation or trial. The appellant is stated to be a journalist by profession, and there is no likelihood of his absconding if released on bail. It is further submitted that the trial in the present case has substantially progressed and the matter has reached the stage of final arguments. It is argued that in such circumstances, there is no possibility of the appellant influencing witnesses or tampering with evidence. Learned Senior Counsel also submits that the continued detention of the appellant adversely affects his right to effectively defend himself. It is contended that for the purpose of preparing and advancing final arguments, meaningful interaction between the appellant and his defence counsel is necessary, which is severely curtailed while the appellant remains in custody. According to the appellant-counsel, multiple cases have been instituted against him on similar allegations, even on the basis of the same or similar online content, which reflects a pattern of harassment rather than independent criminal acts. It is contended that the appellant is a victim of vendetta and has been targeted to tarnish his reputation. In view of the aforesaid submissions, learned Senior Counsel prays that this Court may be pleased to set aside the impugned order dated 06.03.2026 and grant bail to the appellant.

13. On the other hand, learned Public Prosecutor, opposing the prayer for bail, submits that the appellant is not entitled to the benefit of statutory bail as claimed, particularly in view of the provisions of Section 479

of the Bharatiya Nagarik Suraksha Sanhita (BNSS). At the outset, it is contended that although the appellant seeks to rely upon the ground that he has undergone one-third of the maximum period of imprisonment, such computation is legally untenable in the facts of the present case. Drawing attention to the explanation appended to Section 479 of BNSS, learned P.P. submits that any period of detention attributable to delay caused by the accused is liable to be excluded while computing the period for grant of bail. In this regard, it is specifically submitted that the appellant himself has been responsible for substantial delay in the progress of the trial. The learned P.P. has placed on record a series of orders passed by the trial court demonstrating that the appellant repeatedly sought adjournments at various stages of the proceedings. The date on which the accused has sought for adjournment are 20.03.2024, 02.04.2024, 14.04.2024, 26.04.2024, 09.05.2024, 22.05.2024, 04.06.2024, 18.06.2024, 02.07.2024, 15.07.2024, 29.07.2024, 12.08.2024, 23.08.2024, 05.09.2024, 18.09.2024, 01.10.2024, 08.10.2024, 05.11.2024, 19.11.2024, 03.12.2024, 10.12.2024, 28.01.2025, 30.01.2025, 10.04.2025, 11.04.2025, 16.04.2025, 21.05.2025, 26.05.2025, 20.08.2025, 25.02.2026, 02.03.2026, 05.03.2026 and 08.04.2026. It is submitted that, cumulatively, a delay of 528 days (i.e., approximately 1 year, 5 months, and 13 days) is directly attributable to the conduct of the appellant. Learned P.P., submits that even though the total period of custody of the appellant is approximately 2½ years, once the aforesaid delay of 528 days caused at the instance of the appellant is excluded, the effective period of custody comes down to a substantially lesser duration. Consequently, the statutory threshold of one-third of the maximum prescribed punishment is not satisfied. Learned P.P. further submits that the charges framed against the appellant include serious offences which carry punishment up to seven years. Even if the maximum punishment is taken as seven years, one-third thereof would be more than two years. However, after excluding the delay attributable to the appellant, the effective custody period falls far short of the said requirement.

13.1. It is also pointed out that the trial has reached an advanced stage, and the prosecution has already concluded its arguments. As reflected from the order dated 25.02.2026, despite completion of prosecution arguments, the defence has not concluded its arguments till date, again on account of the conduct of the appellant. This, according to the learned P.P., clearly demonstrates a pattern of delaying the proceedings. Learned P.P. further submits that an earlier bail application preferred by the appellant was rejected by the trial court vide order dated 02.03.2026 on the ground that no new circumstances were made out. The said order was not challenged by the appellant, and therefore, the present attempt amounts to re-agitation of similar grounds.

13.2. A significant emphasis has been laid by the learned P.P. on the antecedents of the appellant. It is submitted that the present case is not an isolated instance, and there are multiple criminal cases (approximately 14 cases) registered against the appellant across different police stations in the State of Tripura, involving offences of a similar nature. The case reference of those cases are i. West Agartala P.S. Case No.2023 WAG190 SLP(SC/ST) Atrocities 01/2023, ii. West Women P.S. Case No.2023 WAW 050, PRC(WP)01/2024, West Women P.S. Case No.2023 WAW 051, PRC(WP)58/2024, ADN PS Case No.2023 AND 057 spl(SC/ST)01/2024, West Agt. P.S Case No.2023WAG186 PRC(WP)02/2024, West Agt. P.S. Case No.2023 WAG 185, SPL(SC/ST)Atrocities 02/2025, Radhapur P.S. Case No.2023 RDP 024, West Agartala P.S. Case No.2021WAG115 PRC(SP)29/2025, East Agt. Women P.S. case 2020 WEA 039 PRC(WP)472/2024, Manu Bazar P.S. Case No.2023 MNB 034 Special (sc/st) 01 of 2025, Killa PS case No.2023KLA027 Special 01/2025, Bishramganj P.S. Case No.2023BRG029 Special(SC/ST)01 of 2025 and Damcherra P.S. Case No.2023DMC017 dated 18.11.2023. The learned P.P. has placed before the Court a detailed status report of such cases, which reveal a consistent pattern of alleged conduct involving:-

- i. Posting objectionable, derogatory, and sexually coloured remarks against individuals, including women;
- ii. *Targeting members of Scheduled Castes and Scheduled Tribes with allegedly insulting and humiliating content;*
- iii. *Circulating content through social media platforms such as Facebook and YouTube with the potential to incite communal disharmony;*
- iv. *Allegations of criminal intimidation, defamation, and in certain cases, extortion by threatening victims with publication of defamatory or obscene content.*

13.3. Learned P.P. after producing the relevant records before this Court refers to multiple cases wherein the appellant is alleged to have posted videos and content targeting individuals belonging to SC/ST communities with intent to insult and humiliate them publicly. In certain cases, the appellant allegedly demanded money from victims under threat of publishing further objectionable content, leading to allegations under various Sections of IPC. Several complainants, including women holding public positions, have alleged that the appellant posted morphed or objectionable content causing severe mental distress and reputational harm. It is further submitted that in some of the said cases, although bail had been granted earlier, the same was subsequently cancelled by competent courts, including the Hon'ble High Court, indicating the seriousness of the allegations and the conduct of the appellant. Learned P.P. thus contends that the appellant is not a first-time offender, but rather a habitual offender who has repeatedly engaged in similar acts, demonstrating a pattern of behaviour. The existence of multiple pending cases, some involving grave allegations such as extortion and offences against women and members of SC/ST communities, militates against the grant of bail. It is also contended that the nature of the allegations in the present case, coupled with the antecedents of the appellant, indicate that there is a likelihood of the appellant repeating

similar offences if released on bail. The learned P.P. submits that the appellant has allegedly used digital platforms systematically to target individuals and communities, thereby posing a continuing threat to public order and social harmony.

13.4. In view of the above, learned P.P. submits that the appellant has not fulfilled the statutory requirements for grant of bail under Section 479 BNSS, a substantial part of the delay in trial is attributable to the appellant himself, the charges are serious in nature and carry significant punishment, the appellant has multiple criminal antecedents showing a pattern of similar conduct; and there exists a reasonable apprehension of repetition of offences and interference with the administration of justice. Accordingly, it is prayed that the present appeal for grant of bail be dismissed.

14. Upon a careful consideration of the entire materials on record, the impugned order, and the rival submissions advanced on behalf of the parties, this Court proceeds to determine whether any interference is warranted with the order dated 06.03.2026 passed by the Learned Special Judge, West Tripura, Agartala.

15. For better appreciation of argument advanced by the learned counsel appearing for the parties, list the produce Section 479 of BNSS:-

“479. Maximum period for which undertrial prisoner can be detained.

(1)Where a person has, during the period of investigation, inquiry or trial under this Sanhita of an offence under any law (not being an offence for which the punishment of death or life imprisonment has been specified as one of the punishments under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on bail:

Provided that where such person is a first-time offender (who has never been convicted of any offence in the past) he shall be released on bond by the Court, if he has undergone detention for the period extending up to one-third of the maximum period of imprisonment specified for such offence under that law:

Provided further that the Court may, after hearing the Public Prosecutor and for reasons to be recorded by it in writing, order the continued detention of such person for a period longer than one-half of the said period or release him on bail bond instead of his bond:

Provided also that no such person shall in any case be detained during the period of investigation, inquiry or trial for more than the maximum period of imprisonment provided for the said offence under that law.

Explanation.-In computing the period of detention under this section for granting bail, the period of detention passed due to delay in proceeding caused by the accused shall be excluded.

(2) Notwithstanding anything in sub-section (1), and subject to the third proviso thereof, where an investigation, inquiry or trial in more than one offence or in multiple cases are pending against a person, he shall not be released on bail by the Court.

(3) The Superintendent of jail, where the accused person is detained, on completion of one-half or one-third of the period mentioned in sub-section (1), as the case may be, shall forthwith make an application in writing to the Court to proceed under sub-section (1) for the release of such person on bail.

16. This Court has taken note of the period of custody undergone by the appellant and the submission advanced on his behalf with regard to entitlement to bail under Section 479 of the Bharatiya Nagarik Suraksha Sanhita. However, the said contention cannot be considered in isolation. The explanation appended to the said provision clearly mandates that any delay attributable to the accused is liable to be excluded while computing the period of detention. From the materials placed on record, particularly the series of orders relied upon by the prosecution, it *prima facie* appears that a substantial period of delay in the trial is attributable to the conduct of the appellant. Consequently, the claim of the appellant that he has undergone the requisite statutory period does not inspire confidence at this stage.

17. This Court has also taken into account the stage of the trial. It is evident that the trial has substantially progressed and has reached the stage of final arguments. While this factor ordinarily weighs in favour of the accused, in the facts of the present case, it also indicates that the conclusion of the trial is

imminent. In such circumstances, this Court is of the view that releasing the appellant at this advanced stage may not be appropriate.

18. Further, this Court cannot lose sight of the nature and gravity of the allegations levelled against the appellant. The accusations, as reflected from the FIR, charge-sheet, and materials on record, relate to offences involving alleged dissemination of objectionable content through electronic means, including allegations attracting provisions of the IPC, the Information Technology Act, and the SC & ST (Prevention of Atrocities) Act. The allegations also disclose elements of conduct which, if proved, may have wider ramifications on public order and social harmony.

19. Another significant aspect which weighs with this Court is the antecedents of the appellant. From the materials placed on record by the prosecution, it appears that multiple cases of a similar nature have been registered against the appellant in different police stations. While this Court is conscious that mere registration of cases cannot be treated as proof of guilt, the existence of several pending cases involving analogous allegations cannot be completely ignored while considering the prayer for bail, particularly in assessing the possibility of repetition of similar conduct.

20. This Court has also considered the submission of the appellant that he is not likely to abscond and that there is no possibility of tampering with evidence, especially in view of the stage of the trial. However, having regard to the overall circumstances, including the nature of allegations, the pattern of cases registered against the appellant, and the material indicating delay attributable to him, this Court is not persuaded to accept the said contention in favour of grant of bail at this stage.

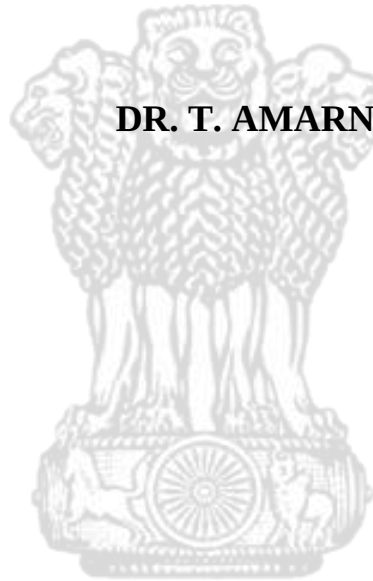
21. Insofar as the reliance placed on the judgment of the Hon'ble Supreme Court is concerned, the principles laid down therein are well settled. However, the applicability of such principles is necessarily dependent

upon the facts and circumstances of each case. In the present case, taking into consideration the delay attributed to the accused herein, the Court is of the considered view that the appellant has not make out a case for grant of bail.

22. Accordingly, this Court finds no infirmity or illegality in the impugned order dated 06.03.2026 passed by the Learned Special Judge, West Tripura, Agartala. Consequently, the present Criminal Appeal stands dismissed.

23. As a sequel, pending application(s), if any, shall also stand disposed of. Stay is any also stands vacated.

DR. T. AMARNATH GOUD, J



सत्यमेव जयते