

IN THE HIGH COURT OF TRIPURA

A G A R T A L A

B.A. No.88 of 2026

Smt. Subarna Chakraborty,
wife of Sri Sudip Goswami, resident of
Rabindranagar, AMC Ward No.51, P.S. East
Agartala, P.O. Renters Colony, District- West Tripura

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

On behalf of accused:

Sri Sudip Goswami,
son of Sri Brajalal Goswami, resident of
Rabindranagar, AMC Ward No.51, P.S. East
Agartala, P.O. Renters Colony

- V e r s u s -

The State of Tripura

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

For the Petitioner (s)

:

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

For the Respondent(s)

:

Mr. R. Datta, P.P.

Date of hearing

:

22.05.2026

Date of delivery of order

:

03.06.2026

Whether fit for reporting

:

YES	NO
	✓

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

ORDER

This application is filed praying for bail of the accused, Sri Sudip Goswami under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (in short, BNSS) 2023 in connection with West Agartala P.S. case No.70 of 2025 [PRC(WP) 416 of 2025] registered under Sections 318(4)/336(3)/340(2) of Bharatiya Nyaya Sanhita (in short, BNS), 2023.

[2] The allegation against the accused petitioner is serious that he being a Government Employee, working as Superintendent for Central

Workshop, AGMC & GBP Hospital has produced a fake document containing a memorandum of Council of Ministers along with some other documents while submitting his representation to the Directorate of Medical Education seeking promotion to the post of Chief Technical Officer.

[3] The police registered the case under Sections 318(4)/336(3)/340(2) of BNS, 2023. The investigating officer also issued notice during investigation to the accused under Section 35 of BNSS to which he responded. He was not arrested during such investigation and finally, the investigation officer submitted the charge-sheet dated 11.10.2025 under Section 336(3)/340(2) of BNS, 2023.

[4] After taking cognizance of offences under above said provisions, the Judicial Magistrate, First Class, Court No.3, Agartala issued summons to the accused for his appearance on 24.02.2026. Thereafter, the case was withdrawn from the court of the learned Judicial Magistrate, First Class to the court of learned Chief Judicial Magistrate on 21.02.2026. Meanwhile, the Officer-in-Charge, West Agartala Police Station submitted one prayer on the previous day i.e. 23.02.2026 seeking permission for conducting further investigation to find out other associates of the accused persons and also to record statements of some witnesses and also to collect certain documents and on the same day, the Chief Judicial Magistrate allowed the said petition. On the next day, the accused appeared before the said Court in response to the summons and prayed for bail. On submission of learned prosecutor, his bail prayer was rejected and he was sent to the custody.

[5] The said Officer-in-Charge in his petition for further investigation also prayed for necessity of interrogation of the accused but he did not pray for any custodial interrogation. Liberty was given to the investigating officer by the Court to interrogate him in judicial custody.

[6] After he was sent to the judicial custody, the accused filed a petition for bail before the learned Additional Sessions Judge, West Tripura, Agartala in B.A. No.29 of 2026 and vide order dated 27.02.2026, the learned Additional Sessions Judge, Court No.4, West Tripura, Agartala allowed the said prayer for bail, directing the accused to be released on bail on furnishing a bond of Rs.50,000/- along with one surety of the like amount with a condition that the accused would appear before the investigating officer once in a week till 31.03.2026.

[7] The State challenged the said order by filing a criminal petition No.13 of 2026 before this Court and a coordinate Bench of this Court vide order dated 23.03.2026 set aside the order of the learned Addl. Sessions Judge and remand the matter to the concerned Sessions Judge for fresh adjudication.

[8] The Sessions Judge on receipt of the order and the record, observed vide order dated 26.03.2026 that in view of the order of the High Court, no further adjudication was required to be made by the said Court in receipt of the bail application of the petitioner and accordingly, the bail application was disposed of.

[9] As it appears that the learned Addl. P.P also submitted before the Sessions Judge that the bail application did not require any further

consideration as it was finally disposed of. This Court keeps a serious reservation both on the submission of the learned Addl. PP as well as the order of the learned Sessions Judge. In fact, the learned Sessions Judge has defied the order of the High Court by non-complying it. The Sessions Judge ought to have been more cautious in this regard.

[10] Anyway, it is submitted from the side of the petitioner that in terms of the order passed by the learned Additional Sessions Judge earlier, when the accused petitioner went to the police station to give his attendance before the investigating officer, he was arrested by the investigating officer and on 27.03.2026, he was produced before the Chief Judicial Magistrate, who rejected the bail prayer of the accused and since then he is in custody.

[11] Mr. S. Sarkar, learned senior counsel appearing for the accused petitioner submits that both arrest of the accused petitioner and his subsequent remand were illegal as the charge-sheet was already laid before the Court by the investigating officer without arresting the accused during investigation and the Court also issued summons to him but just because the further investigation was going on, the investigating officer illegally arrested him and without taking note of all the previous facts and submission of charge-sheet by the police and the learned Chief Judicial Magistrate also illegally rejected his bail prayer. Mr. Sarkar, learned senior counsel also submits that for about 2[two] months, the accused is in custody and for all the provisions under which the charge-sheet is submitted, the prescribed maximum punishment is upto 7[seven] years.

[12] Mr. Sarkar, learned senior counsel relies on a decision of the Hon'ble Apex Court in the case of **Aman Preet Singh vs. Central Bureau**

of Investigation, (2022) 13 SCC 764, wherein the followings were observed by the Hon'ble Apex Court at paragraph No.12:

12. A reading of the aforesaid shows that it is the guiding principle for a Magistrate while exercising powers under Section 170, Cr.P.C. which had been set out. The Magistrate or the Court empowered to take cognizance or try the accused has to accept the charge-sheet forthwith and proceed in accordance with the procedure laid down under Section 173, Cr.P.C. It has been rightly observed that in such a case the Magistrate or the Court is required to invariably issue a process of summons and not warrant of arrest. In case he seeks to exercise the discretion of issuing warrants of arrest, he is required to record the reasons as contemplated under Section 87, Cr.P.C. that the accused has either been absconding or shall not obey the summons or has refused to appear despite proof of due service of summons upon him. In fact the observations in Sub-para (iii) above by the High Court are in the nature of caution.

[13] Learned senior counsel also relies on another decision of 3 Judge Bench of Hon'ble Supreme Court in the case of **Inder Mohan Goswami vs. State of Uttaranchal and others, (2007) 12 SCC 1**, wherein it is observed by the Hon'ble Supreme Court that if the Court is of the opinion that the summon will suffice in getting the appearance of the accused in the court, the summon or theailable warrants should be preferred. The warrants eitherailable or non-ailable should never be issued without proper scrutiny of facts and complete application of mind, due to the extremely serious consequences and ramifications which ensue on issuance of warrants. The Court should properly balance both personal liberty and societal interest before issuing warrants.

[14] Mr. R. Datta, learned P.P appearing for the State opposed the bail prayer and referring to different materials available in the case diary, submits that the accused is a Gazetted Officer but to get promotion, he has committed a serious offence affecting the administration of the State by producing a fake memorandum of meeting of Council of Ministers. The conduct of the accused is, therefore, highly condemnable. Learned P.P also

submits that after being released from the jail in terms of the order of the learned Additional Sessions Judge, the accused even gave threat to some witnesses of the case.

[15] The Court has considered the rival submissions of both sides.

[16] It is admitted position that the prescribed punishment for the alleged offences is upto 7 years of imprisonment. During investigation earlier, he was not arrested by the investigating officer. On receipt of the notice, he also appeared before the investigating officer. The Court also issued summons for his appearance and accordingly, he appeared before the Court and for more than 2 [two] months, he is in custody. On asking by this Court, learned PP informs that during the phase of further investigation, the investigating officer has already interrogated him. Thus, it appears to this Court that further detention of the accused in the custody is no longer required.

[17] Considering all these aspects, the bail prayer of the accused person, namely Sri Sudip Goswami is allowed. He may go on bail on furnishing a bond of Rs.50,000/- [Rupees Fifty thousand] only along with one surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, West Tripura, Agartala on conditions that:

- (i) he will not, directly or indirectly, try to make any contact with any person or witnesses of the case who are acquainted with the fact of case, so as to dissuade him or them from divulging the truth before the court;
- (ii) he will furnish his mobile phone number to both the investigating officer and the Court and he shall not change his SIM card and shall

not hand over the same to any other person, till the trial is complete and he will keep such SIM card in functional mode;

(iii) he will not leave the State of Tripura without prior permission of the learned Chief Judicial Magistrate, West Tripura, Agartala and in case of going outside the State, he will in advance inform the learned Chief Judicial Magistrate about his place of visit and place of stay with complete details;

(iv) he will regularly attend the Court to face the trial;

(v) he will also record his attendance before the learned Chief Judicial Magistrate once in fortnight till the trial is complete or till the condition is relaxed by the learned Chief Judicial Magistrate;

(viii) violation of any of the above said condition(s) by him, will be a good ground for cancellation of his bail.

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

Reconsign the records of the learned trial Court.

Return the C.D. forthwith.

Send a copy of this order both to the Sessions Judge, West Tripura, Agartala and the Chief Judicial Magistrate, West Tripura, Agartala immediately.

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

JUDGE