

**HIGH COURT OF TRIPURA
AGARTALA
B.A.No.89 of 2026**

Sri Prasenjit Das,
S/o-Sri Pradip Das,
R/o-Barjala, TRTC Para,
P.O.-Barjala, P.S.-N.C.C.,
District-West Tripura.

----- Applicant(s)

On behalf of

Sri Asish Das,
S/o-Lt. Rabindra Kumar Das,
R/o+Vill.-Fulkumari Dropgate,
P.O.-Rajar Bag,
P.S.-R.K. Pur,
District-Gomati Tripura, PIN-799116.

----- Accused Person(s)

Versus

1. The State of Tripura
2. Smt. Payel Majumder,
W/o-Sri Arpan Das,
R/o-Town Sonamura, P.S.-R.K. Pur,
District-Gomati, Tripura.

-----Respondent(s)

For Applicant(s)	:	Mr. Ankan Tilak Paul, Adv. Mr. Joy Majumder, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

06/05/2026

This bail application under Section 483 of BNSS, 2023 is filed for granting bail to the accused person who is lodging in jail in connection with R.K. Pur Women PS case No.2026 WRP 013 registered under Section 64(1) of the BNS, 2023.

Heard Learned Counsel, Mr. Ankan Tilak Paul appearing on behalf of the accused person in custody. Also heard Learned P.P, Mr. Raju Datta appearing on behalf of the respondent-State.

At the time of hearing, Learned Counsel for the accused person in custody submitted that this present case has been registered on the basis of an F.I.R. laid by the informant-cum-victim against the accused in custody. Learned Counsel further submitted that from the contents of the F.I.R. it

transpires that there is no material on record against the accused in custody showing his implication with the alleged offence punishable under Section 64(1) of BNS, 2023 because the informant-cum-victim was a consenting party. Learned Counsel further submitted that the accused in custody used to visit the residence of the informant-cum-victim frequently which lead to the development of a consensual intimate relationship between them. As such, the allegation of Section 64(1) of BNS, 2023 cannot be attracted in this case. It was further submitted by Learned Counsel for the accused person in custody that by this time, the said informant-cum-victim has filed another F.I.R. against her husband on the basis of which a specific case is registered at R.K. Pur Women PS. In the said F.I.R., it was alleged that after the marriage, her husband started consuming alcohol and used to cause torture upon her. It was further alleged in the F.I.R. that in her absence, her husband installed a CCTV camera in the bedroom and captured obscene photographs and started blackmailing her for divorcing him demanding a sum of Rs.10,00,000/-. Learned Counsel further drawn the attention of this Court to the forwarding report of I.O. dated 09.04.2026 wherein it was specifically mentioned that since the year 2024, a friendship developed in between the informant-cum-victim and the accused which culminated into physical relationship and ultimately, the accused blackmailed her and on 26.02.2026 committed rape upon her. In the said report it was also mentioned that the husband of the informant-cum-victim, in absence of her, installed a CCTV camera and captured some obscene photographs which indicated the intimate footages of the informant-cum-victim with the alleged accused person in custody. Learned Counsel for the accused person finally submitted that the accused is lodging in custody on and from 24.03.2026 and prayed for releasing the accused on bail.

Learned P.P. in course of hearing submitted that in this case charge-sheet has also been submitted and objected the bail application stating that considering the gravity of offence, the bail application be rejected.

I have heard both the sides at length and perused the relevant prosecution papers.

Prima facie, it appears that the present accused in custody was known to the informant since from the year 2024. It may so happen that because of the relationship of the accused in custody with the husband of the informant-cum-victim, he used to visit the residence of the informant-cum-victim time to time, which culminated into some relationship between them and taking this advantage, the accused made physical relation with the informant-cum-victim time to time. Ultimately, the same relationship came to the knowledge of the husband of the informant-cum-victim after installation of a CCTV camera inside the bedroom for which she has also filed a separate case against her husband on 08.04.2026. Presently, the informant-cum-victim is staying at her parent's residence.

After going through the relevant prosecution papers it appears that the contention of the victim is contrary to the video footage because if the pictures of the video footage is true in that case the allegation in the F.I.R. will be contradictory to the prosecution allegation regarding forceful commission of alleged rape by the accused upon the victim of this case.

So, considering the total facts and circumstances of this case and the materials on record and also the fact that the accused is lodging in jail on and from 24.03.2026, I am inclined to consider the bail application filed by the accused person.

Hence, it is ordered that the accused in custody namely, Sri Asish Das be released on bail of his execution of bond of Rs.50,000/- with one surety of like amount to the satisfaction of Learned CJM, Gomati District, Udaipur on condition that he shall not leave the jurisdiction of the Court till completion of trial nor he shall make any attempt to tamper the evidence on record of the prosecution including the victim and also shall attend Courts once in a fortnight till conclusion of trial, in default the accused shall remain in J/C as before.

With this observation, this bail application stands allowed and disposed of.

Send down the record to the Learned Trial Court along with a copy of this order. Also a copy of this order be furnished to Learned Counsel for the accused person in custody for information and compliance. Return back the CD to I.O. through Learned P.P. along with a copy of this order.

JUDGE

SNIGDHA DAS

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