



HIGH COURT OF TRIPURA

AGARTALA

B.A. No.99 of 2026

Smt. Puja Bhowmik,
D/o Sri Babul Bhowmik, resident of Pecharthal, Nalkata, P.S.
Pecharthal, District – Unakoti, Tripura.
.....Petitioner(s);

For and on behalf of
Sri Babul Bhowmik,
S/o Gobinda Bhowmik, resident of Pecharthal, Nalkata, P.S.
Pecharthal, District – Unakoti, Tripura.
..... Accused person;

V E R S U S

The State of Tripura
.....Respondent(s);

For the Petitioner(s) : Mr. Hare Krishna Bhowmik, Advocate.

For the Respondent(s) : Mr. Raju Datta, Public Prosecutor.

Date of hearing : **21.05.2026.**

Date of delivery of Order : **25.05.2026.**

Whether fit for reporting :

YES	NO
	√

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

ORDER

This application under Section 483 of Bharatiya Nagarik Suraksha Sanhita (for short, BNSS), 2023 is filed seeking bail of the accused Babul Bhowmik in connection with Pecharthal PS Case No. 0001 of 2026 [renumbered as ST (Type-I) 11 of 2026] under Sections 117(2), 109, 3(5) of the Bharatiya Nyaya Sanhita (for short, BNS), 2023 and under Section 103(1) of BNS, 2023 (added later on), now pending in the Court of learned Sessions Judge, Unakoti District, Kailashahar.

[2] The allegations in the FIR, lodged by the son of the deceased Sona Mohan Sarkar is that on 21.12.2025, in the night at about 09:00 pm, the present accused person along with Hari Das Sarkar, attacked his (informant's) father in the house of one Ranjit Sarkar wherein a funeral function was going on and severely hit him with an iron rod and with a torch. Initially, they assaulted the deceased with fists and blow and kicks. After about ten minutes, again the present accused arriving there hit the deceased with a shovel and the co-accused hit the deceased with the torch. The deceased fell down on the ground. Thereafter, the deceased was taken to Pacherthal PHC and then to Kailashahar District Hospital in serious condition. Thereafter, he was referred to GBP Hospital, Agartala but they took him to South City Hospital, Silchar wherein he was receiving treatment at the time of lodging of FIR. Later on the deceased died. According to the informant, there was a delay in lodging the FIR due to his engagement in the treatment of the deceased. The accused was arrested on 10.01.2026 and since then he is in custody.

[3] Mr. Hare Krishna Bhowmik, learned counsel submits that only in a very formal manner, the prayer for custody trial of the accused person, was submitted by the investigating officer alleging that, if released on bail, the accused may abscond, that he may influence the witnesses and may not be available in the Court to face trial. Mr. Bhowmik, learned counsel also submits that the investigation is already complete and without sufficient reasons, the learned Sessions Judge has allowed the petition for custody trial of the accused. According to the learned counsel, if released on bail, the accused will regularly attend the Court to face trial and will not try to

influence any witness of the case. It is also submitted that the accused has been in custody for about 128 days, and therefore, bail may be granted.

[4] Mr. Raju Datta, learned Public Prosecutor submits that all the eye-witnesses to the incident are close door neighbours of the accused person, and if he is released on bail, he will certainly try to influence the witnesses. According to him, the neighbouring witnesses are Bhupen Sarkar, Manilal Sarkar, Ranjit Sarkar, Chinmoy Sarkar, Subrata Sarkar, Shantilal Sarkar, Keshab Sarkar. Learned Public Prosecutor further submits that the weapon of offence, i.e., part of a torch light was also seized at the instance of the present petitioner himself.

[5] Both the learned counsel also submit that a date was fixed by Ld. Trial Court for framing of charge, however, as the records were called for by this Court, the said date has been shifted to 29.05.2026.

[6] The Court has considered the rival contention and has also taken note of the materials placed on record. There are prima facie materials indicating that concerning certain issues, there was initially some altercation between the accused and a third person. Meanwhile, the deceased intervened, and thereafter, the present accused initially assaulted the deceased with torchlight on his face and head. After some time, he arrived again there with a shovel and severely hit the deceased on his head which ultimately caused the death of the deceased after prolonged treatment.

[7] The autopsy surgeon also opined that there were three injuries on the person of the deceased – one in the left fronto parital area of the head, another in the right fronto parital area and third one is on the

right ABD (middle part). According to him the cause of death was due to shock and hemorrhage.

[8] The investigating officer, in support of his such prayer for custody trial, has mentioned that if released on bail, the accused may abscond and that local villagers are presently agitated due to the alleged murder of the deceased. He also stated that the accused may hamper the trial by threatening or influencing the witnesses. But he has not tried to place any materials in support of such apprehensions.

[9] In **Sanjoy Chandra v. Central Bureau of Investigation**, AIR 2012 (S.C.) 830, the followings are held by the Apex Court:

“14. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent, and that every man is duly found guilty. From the earliest times, it was appreciated that detention in custody pending completion could be cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to 'necessity' is operative test. In this country, it enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson.

[10] In case of **State of U.P. v. Amarmani Tripathi**, (2005) 8 SCC 21, also made the following principles were laid down by the Apex Court regarding granting of bail in a case relating to heinous offences. Though, said case was related to offence under section 302 IPC and after about 7 months of his arrest the accused who was an influential Minister, was granted bail by High Court but later on the bail was cancelled by Supreme

Court on the ground that the accused from the day of the murder was trying to interfere, detract and mislead the investigation and to threaten and coerce witnesses; however, the principles and parameters as were tabulated therein assumes more importance as guiding principles:

“18. It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) *character, behaviour, means, position and standing of the accused*; (vi) likelihood of the offence being repeated; (vii) *reasonable apprehension of the witnesses being tampered with*; and (viii) *danger, of course, of justice being thwarted by grant of bail* [see *Prahlad Singh Bhati v. NCT, Delhi* [(2001) 4 SCC 280 : 2001 SCC (Cri) 674] and *Gurcharan Singh v. State (Delhi Admn.)* [(1978) 1 SCC 118 : 1978 SCC (Cri) 41 : AIR 1978 SC 179]]. While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in *Kalyan Chandra Sarkar v. Rajesh Ranjan* [(2004) 7 SCC 528 : 2004 SCC (Cri) 1977] : (SCC pp. 535-36, para 11)

“11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.

(b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

(c) Prima facie satisfaction of the court in support of the charge. (See *Ram Govind Upadhyay v. Sudarshan Singh* [(2002) 3 SCC 598 : 2002 SCC (Cri) 688] and *Puran v. Rambilas* [(2001) 6 SCC 338 : 2001 SCC (Cri) 1124].)”

[11] In the case in hand, the charge-sheet has been submitted within 90 days of the arrest of the present accused person. There are also prima facie materials implicating the accused in the alleged crime. However, after the incident occurred on 21.12.2025, the FIR was lodged on 02.01.2026, and thereafter, the accused was arrested on 10.01.2026 from Kumarghat Railway Station which means he was available in his locality during said whole period and did not abscond. There is also no material indicating that during the said whole period before his arrest, he

tried to administer any threat or coercion upon any person who witnessed the occurrence. The charge-sheet has also been submitted in this case. Therefore, detention for the purpose of investigation is also not required. There is also nothing that his antecedent is bad. Moreover, he is in custody for a considerable period.

[12] Considering all these aspects, the bail prayer is allowed. It is ordered that the accused person namely Babul Bhowmik may go on bail on furnishing a bond of Rs.1,00,000/- [Rupees one lakh only] with one surety of the like amount to the satisfaction of the learned Sessions Judge, Unakoti District, Kailashahar, with the conditions that:

- (a) The surety must be a resident of Tripura;
- (b) The accused shall not try to make any communication, either directly or indirectly through any other person, with any witness of the case, so as to influence or threaten him/them for the purpose of prohibiting them from divulging the truth before the Court;
- (c) He will give his attendance once in a fortnight in the Trial Court till the trial is completed or till the condition is relaxed by the said Court;
- (d) He will not leave the state of Tripura without prior permission of the Ld. Sessions Judge;
- (e) Violation of any of these conditions will be good ground for cancellation of his bail.

With such observations and directions, the bail application is disposed of.

Send a copy of this order immediately to learned Sessions Judge, Unakoti District, Kailashahar.

Re-consign the case diary to learned Public Prosecutor with copy of this order.

Also return the Trial Court record.

Interim order, if any, stands vacated.

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

JUDGE



सत्यमेव जयते