



2026:THC:663

HIGH COURT OF TRIPURA

AGARTALA

BA 100 OF 2026

Smt. Syamali Chakraborty,

W/o late Nilanka Chakraborty, resident of Bapuji Para,
PO + PS-AD Nagar, District-West Tripura, Pin-799003.

..... Applicant/petitioner(s);

On behalf of

Sri Sankou Chakraborty alias Sanku,

S/o Sri Nityananda Chakraborty alias Nitai,
Resident of East Durgapur, P.O. ONGC,
PS Amtali, District-West Tripura.

....Accused person;

VERSUS

The State of Tripura

.....Respondent(s).

For the Applicant/petitioner(s) : Mr. Sankar Lodh, Advocate.

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

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

O R D E R

20/05/2026

Heard learned counsels of both sides.

2. The bail petition has been filed by the petitioner in connection with Amtali P.S. Case No.128/2025, registered under Section 103(1) and 238 of BNS, 2023 praying for bail for the accused Sankou Chakraborty alias Sanku.

3. On 14.12.2025, the FIR was lodged by one Tapan Chowdhury alleging, *inter alia*, that on 13.12.2025, at about 7:00 pm in the evening when he was returning to his house from Babul Chowmohani, in a tri-junction he found that the motorcycle of his younger brother, namely Subrata

Chowdhury was lying on the road. When he came closer to the said spot, found one Nintu Chakraborty, his brother Sankou Chakraborty, Priyatosh Chowdhury and another fled away from the place after seeing him. When he went further closer to said motorcycle, he found the dead body of his brother Subrata Chowdhury was lying in a beheaded condition. Then, he could understand that his brother was killed by those persons. It was also further stated by him in the ejahar that about 3 years ago, said deceased gave allegation of stealing fishes from the pond against those four persons and concerning that issue, there was previous enmity prevailing and for which he was murdered.

4. Police registered the FIR under Sections 103(1) and 238 of BNS, 2023 and proceeded for investigation. During investigation, police also arrested accused Sankou Chakraborty on 13.12.2025 from his house. After closure of investigation, police laid charge-sheet under the aforesaid provision of BNS, 2023 only against the present accused Sankou Chakraborty.

5. It has been revealed in the investigation that 2/3 days prior to the date of alleged incident, the deceased Subrata Chowdhury came from Silchar to give his appearance in the Court as he was an accused in a case bearing Amtali PS Case No.104/2023, registered under Sections 307/326/506 of IPC. Said case was lodged from the side of the brother of the accused, namely, Nintu Chakraborty and therefore, after returning from Silchar the deceased was creating pressure on said Nintu Chakraborty and his family members to withdraw the case giving threat to them, otherwise, he would cause harm to his family members. Even on the date of incident, in the afternoon, at about 16:00 hours, Subrata Chowdhury (deceased) obstructed the way of Smt. Bulti Acharyee Chakraborty and Smt. Rumpa Bhattacharjee, both are the sisters-in-law of the present accused, when they were going to attend the private tutor's house of their two minor sons at Babul Chowmohani. Thereafter, when they were returning home from the said private tutor's house, Subrata Chowdhury again appeared there with number-plate-less motorcycle and again obstructed their way and chased both minor nephews of the accused. Thereafter, he caught hold of minor Rajdeep Chakraborty and by putting a 'takkaal/dao' on his neck, threatened

that he would kill their son at that moment if they do not withdraw the said case of Amtali P.S. Both the females raised alarm and hearing the same, the present accused who was at that time in a grocery shop, situated at a distance of 50 meters from the place of occurrence, rushed to the spot and managed to release his nephew from the clutch of deceased and also managed to snatch away the 'takka/dao' from his hand and then, felling the deceased on the ground, gave a blow by the said 'takka/dao' on the neck of the deceased and beheaded him.

6. Court has perused the statements of the witnesses recorded by the investigating officer, forensic report and post-mortem report of the deceased.

7. Learned counsel, Mr. S. Lodh for the petitioner argues that when the deceased caught hold the nephew of the accused and put a 'takka/dao' on his neck to kill him and therefore, in exercise of his self-defence under Sections 34 and 35 of BNS, 2023, the accused had to attack the deceased and this way he lost his life, and hence, the accused has committed no offence. Learned counsel also submits that the accused has surrendered before the I.O. and for 158 days he is in custody. According to learned counsel, Mr. Lodh, if he is released on bail, he will cooperate in the trial and will not influence or terrorize any of the witnesses of the case.

8. Learned P.P., however, seriously opposes the bail prayer and submits that the weapon of offence i.e. the 'takka/dao' of the deceased was recovered at the instance of the accused himself from his own house and some other items, such as school bag, etc. were also seized by police wherein blood stain of the deceased was found during examination by the forensic team. Learned P.P. also submits that if the accused is released on bail, he will influence the witnesses, and therefore, the bail prayer may be rejected.

9. Considering the submissions of both sides and the materials placed in the record it appears that there are prima facie materials that after the accused snatched away the said 'takka/dao' from the hand of the deceased, he could not refrain himself and thereafter he gave the blow on

the neck of the deceased with maximum force which ultimately beheaded the deceased. The injury was done in such a deep force that it caused total separation of the head from the body and the injury measures 43 cm X 2 cm X bone deep. Prima facie, it appears that the offender did not leave any chance while giving such blow of 'takka/dao' for the deceased for his survival and with complete determination of committing murder of the deceased, such heavy blow was given. Prima facie, it cannot be said at this stage that in exercise of right of private defence such blow was inflicted inasmuch as when already he snatched away the said weapon from the hands of the deceased the child was safe, and there was no need of exercise of right of private defence further even to the extent of killing a person.

10. Charges are not yet framed in this case and trial is yet to begin and witnesses are yet to be examined. The offence is very grave in nature and punishment thereof is also severe. Prima facie, the alleged murder has been committed in a brutal manner as discussed above and granting of bail at this point may have an impact in the society too.

11. Considering all these aspects, bail is not granted at this stage. Accordingly, the bail prayer is rejected. However, the trial Court is to expedite the trial as the accused is in custody.

12. Return the L.C. record along with a copy of this order.

JUDGE

SAIKAT KAR

Sanjay

Digitally signed by SAIKAT KAR
Date: 2026.05.22 14:59:45 +05'30'