



TRHC010009312026
2026:THC:734

**HIGH COURT OF TRIPURA
AGARTALA**

Crl. Petn. No.42 of 2026

Andolan Kishore Debbarma
S/o-Late Sudhir Debbarma,
Resident of Shamukcherra Madhyapara,
P.S.-Kakraban,
District-Gomati Tripura.

---- Petitioner(s)

Versus

The State of Tripura

----Respondent(s)

For Petitioner(s)	:	Mr. Arjun Acharjee, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

11/06/2026

This criminal petition is filed under Section 482 of Cr.P.C. for quashing the impugned order dated 03.02.2026 passed by Learned I/C Addl. Sessions Judge, Gomati Judicial District, Udaipur in case No.ST 10 of 2021 in connection with Kakraban PS case No.21 of 2020 under Section 302 of IPC for releasing the accused-petitioner on bail.

Heard Learned Counsel, Mr. Arjun Acharjee appearing on behalf of the accused-petitioner. Also heard Learned P.P., Mr. Raju Datta appearing on behalf of the respondent-State.

Taking part in the hearing, Learned Counsel, Mr. Acharjee appearing on behalf of the accused-petitioner drawn the attention of this Court that in this case, the accused in custody faced trial before the Learned Trial Court and the case was posted for examination of the accused under Section 313 of Cr.P.C. and for execution of bond under Section 437A of Cr.P.C. Learned Counsel for the accused-petitioner further submitted that on 22.01.2026, the accused-petitioner could not appear before the Learned Trial Court and as such, on 22.01.2026, the

Learned Trial Court issued warrant of arrest against him and also at the same time issued notice upon the surety of the accused-petitioner. After that, on 03.02.2026, the accused-petitioner was produced under arrest before the Learned I/C Addl. Sessions Judge. The Learned I/C Addl. Sessions Judge, on 03.02.2026, without affording any opportunity to file any bail application took the accused-petitioner into custody and send him to J/C violating the principles of natural justice. Thereafter, on 12.05.2026, a bail application was moved on behalf of the accused-petitioner which has been rejected by the Learned Trial Court. Challenging the order dated 03.02.2026, this criminal petition has been filed by the accused-petitioner for releasing him on bail.

Learned P.P. appearing on behalf of the respondent-State submitted that considering the nature and gravity of the offence, the Learned Trial Court rightly passed the order for detention of the accused in custody and there is no infirmity in that order. So, Learned P.P. urged before this Court for dismissing the petition filed by the accused in custody.

Heard both the sides at length and perused the record of the Learned Trial Court.

In this case, to substantiate the charge leveled against the accused, the prosecution has adduced 23 numbers of witnesses before the Learned Trial Court. The charge has been framed under Section 302 of IPC against the accused by the Learned Trial Court. The accused was on bail during the trial of this case. On 19.12.2025, the case was posted for examination of the accused under Section 313 of Cr.P.C. and for execution of bond but on that day no bond was executed. Even no proceeding for examination of the accused was taken place. So, the

case was further posted on 22.01.2026. However, on 22.01.2026 the accused remained absent. So, the Learned Trial Court, on the same day simultaneously issued notice upon the surety of the accused and also issued warrant of arrest against him. After that, on 03.02.2026 he was produced under execution of arrest. No bail application was moved on behalf of the accused. So, the Learned Trial Court took the accused into custody and passed an order for remanding him back to judicial custody. However, surprisingly on that day no scope was given by the Learned I/C Addl. Session Judge to engage any defense counsel to conduct the case of the accused or to file any bail application on his behalf. After that, on 19.02.2026, a bail application was moved but that was also not considered. On 18.03.2026, the accused was examined and the case was further posted for execution of bond under Section 437A of Cr.P.C. Thereafter, on subsequent events on 08.04.2026, 22.04.2026, 07.05.2026, 12.05.2026 and 25.05.2026, the case was posted by the Learned Trial Court for execution of bond.

It is surprising that despite the accused being in judicial custody, how the Learned Trial Court passed the order for execution of bond under Section 437A of Cr.P.C., when his earlier bail had already been cancelled and a warrant of arrest had been issued against him. Even on 03.02.2026, without affording any opportunity to engage any defense counsel, the Learned I/C. Addl. Sessions Judge directly remanded the accused to the judicial custody. So, it appears to this Court that probably the Learned Trial Court was of the considered view that Section 437A of Cr.P.C. could be complied with in the event of languishing of the accused in judicial custody, where his bail had already been cancelled and he was taken into custody. According to my

considered view, this approach of the Learned Trial Court was not proper.

However, since the accused was on bail during the trial of the case and there is no allegation that he violated the conditions of bail so, I am inclined to release the accused on bail on his execution of bail bond of Rs.1,00,000/- with one surety of like amount to the satisfaction of Learned Trial Court on condition that till disposal of the case, he shall appear before the Court once in a week in default the accused shall remain in J/C as before.

Further, since the case is at the stage of hearing of argument so it is desired that the Learned Trial Court shall make all endeavour to dispose of the case within a period of 3(three) months from the date of receipt of a copy of this order.

With this observation, the present criminal petition stands disposed of.

Supply a copy of this order to Learned Counsel for the petitioner for information and compliance. Also send back the record to the Learned Trial Court along with a copy of this order.

JUDGE

Snigdha

SNIGDHA
A DAS

Digitally signed
by SNIGDHA DAS
Date: 2026.06.11
17:50:40 +05'30'