



**HIGH COURT OF TRIPURA
AGARTALA
AB No.35 of 2026**

Smt. Sangita Das (29),
Wife of Manna Dey,
D/O Late Gobinda Das,
Resident of Kanchanpalli,
P.O. ONGC, P.S. Amtali,
District: West Tripura,
PIN:799 014

---Petitioner

-Vs-

The State of Tripura

---Respondent

For Applicant(s)	:	Mr. Subrata Sarkar, Sr. Adv. Ms. Megha Sarkar, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P. Mr. Sankar Lodh, Adv.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

16/06/2026

This pre-arrest bail application is filed by the accused-petitioner under Section 482 of BNSS for granting her bail in connection with West Agartala Women P.S. Case No.2026 WAW 010 under Section 308(2)/356(2)/351(3)/79 of the BNS and Section 66E of the IT Act and added Section 238 of the BNS.

Heard Learned Senior Counsel Mr. S. Sarkar assisted by Ms. M. Sarkar appearing on behalf of the accused-petitioner and also heard Learned P.P. Mr. R. Datta appearing for the State-respondent and Learned Counsel Mr. S. Lodh appearing on behalf of the defecto-complainant. As per order Learned P.P. has produced the case diary.

Taking part in the hearing Learned Senior Counsel Mr. S. Sarkar first of all drawn the attention of the Court referring the contents of the FIR and submitted that on the basis of the FIR the case was registered under Section 308(2)/356(2)/351(3)/79 of

the BNS, 2023 and Section 66E of the IT Act with added Section 238 of the BNS, 2023 and according to Learned Senior Counsel excepting Section 308(2) the other offences are bailable in nature. The prosecution according to Learned Senior Counsel could not place any materials before the Learned Court to draw adverse presumption showing involvement of the petitioner-accused for the offence punishable under Section 308(2) of BNS. He also drawn the attention of the Court the Annexure-B i.e. the prayer of I.O. to the concerned Elaka Magistrate for adding Section 238 of BNS, Annexure-C the order dated 13.04.2026 passed by the concerned Elaka Magistrate allowing the prayer of the I.O. for adding Section 238 of BNS and further drawn the attention of the Court referring Annexure-D i.e. the prayer of I.O. on bail objection dated 16.04.2026 wherein it was specifically mentioned that in course of investigation the I.O. already conducted raid to the house of the petitioner-accused and as such nothing remains there for interrogation of the petitioner-accused in custody. Thereafter Learned Senior Counsel drawn the attention of the Court referring order dated 16.04.2026 in Bail Application No.52 of 2026 wherein the Learned Addl. Sessions Judge, Court No.5 dismissed the bail application filed by the petitioner-accused. In addition to that Learned Senior Counsel also drawn the attention of the Court referring some other documents like order dated 05.06.2025 passed by Learned CJM in Cr. Misc. 33 of 2025 (Annexure-G) and also the order dated 20.03.2026 in connection with PRC (WP) 451 of 2023 (Annexure-M) wherein the name of one witness Manna Dey is mentioned. Learned Senior Counsel also drawn the attention of the Court another copy of order dated 15.05.2026 in connection with Case No. PRC(WP) 110 of 2019 (Annexure-N)

wherein the name of the accused Manna Dey is shown who is also the husband of the petitioner-accused. In addition to that Learned Senior Counsel referred one complaint dated 27.08.2025 to O.C. Cyber Police Station wherein in Serial No.4 and 5 the name of one Sourav Pal and Tanmay Das who were also the eye witnesses of this case. Further Learned Senior Counsel drawn the attention of the Court in reference to Amtali P.S. Case No.086 of 2025 filed by the present petitioner against one Deepgolap Das (Annexure-R) and further referred Amtali P.S. Case No.025 of 2026 filed by one Ranjani Debbarma against Dipgolap Das (Annexure-S) and lastly referred Annexure-T the copy of FIR in connection with West Agartala Women P.S. Case No.011 of 2026 wherein the present petitioner-accused has been arrayed as an accused in a case under POCSO Act. Referring all those cases Learned Senior Counsel tried to draw the attention of the Court that at the instance of the husband of the petitioner and the present complainant of this case the petitioner-accused has been falsely implicated in different cases. Learned Senior Counsel again submitted that according to the prosecution the alleged incident took place on 31.03.2026. But on that day she attended Agartala Court in a mediation proceeding in reference to a mediation notice issued by the Co-ordinator, District Mediation Centre dated 27.02.2026 (Annexure-L) and on that day she hired one Rapido bike from Kanchanpalli, ONGC road at about 12.19 p.m. at reached Agartala Court complex and attended the mediation proceeding and relied upon Annexure-K and the payment slip from which it appears that on that day at about 12.40 p.m. she has paid a sum of Rs.44 to Mr. Ayan Majumder, the owner of the Rapido bike and if it is so then how on the alleged day she

committed extortion to the complainant in a locality wherein during day time huge gathering remains. So according to Learned Senior Counsel this case is nothing but a concocted case to harass the petitioner-accused by the husband of the petitioner-accused at the instance of the present complainant of this case who is having some unwanted relation with the informant of the case and urged for granting pre-arrest bail.

Learned Senior Counsel also drawn the attention of the Court regarding delay in lodging the FIR stating that the alleged incident took place on 31.03.2026 but the case was registered on 03.04.2026. There was no explanation in respect of delay in lodging the FIR and furthermore nearby the alleged P.O. there is Battala TOP. Had there been any incident of extortion in that case the complainant immediately could easily rush to the P.S. or outpost and lodge the FIR. But no such action was taken. Thus according to Learned Senior Counsel it is nothing but a manufactured story to harass the petitioner-accused of this case.

Learned P.P. appearing on behalf of the State-respondent submitted that there is material against the petitioner-accused for her involvement with the alleged offence. So the petition is liable to be dismissed.

Learned Counsel Mr. S. Lodh appearing on behalf of the defecto-complainant submitted that even if the story of the petitioner-accused is true that she attended District Court on that day in that case also it was not impossible on the part of the petitioner-accused to commit offence at about 11.50 a.m. and to rush back to her location i.e. at the homestead and after that again to come back to the Court. So according to Learned Counsel

the story projected by the petitioner-accused cannot be sustained and legally accepted.

Heard Learned Counsels of the parties and perused the relevant prosecution papers and also the case diary produced by the prosecution.

In this case the gist of the prosecution in short is that on 31.03.2026 at about 11.50 a.m. while the complainant Namrata Saha was standing near Joynagar Bus stand that time the accused-petitioner Sangita Das turned up to her and demanded Rs.5,00,000/- (five lakh) from her. When she replied that she was unable to pay the said amount to her and on being so the accused-petitioner threatened the complainant saying that if she fails to fulfill her demand of money she would disgrace her publicly by uploading videos containing defamatory contents against her in social media platform and hearing the same the complainant perplexed and gave Rs.20,000/- to the petitioner-accused when the accused-petitioner further threatened her that if she fails to pay the rest amount or if she dares to report the incident to the police she would defame her and disgrace her publicly. After that on 03.04.2026 at about 2.30 a.m. the brother of the complainant informed her over mobile phone that the petitioner-accused had uploaded malicious content against her in her facebook profile wherein she stated that the complainant had having extra marital relationship with the husband of the accused-petitioner. The accused-petitioner had published her malicious content against the complainant in social media platform in order to extort money from her and due to that act the reputation of the complainant has

been badly damaged. So under compelling circumstances she laid the FIR.

As already stated I have heard the submission of both the sides. The present case has been registered under Section 308(2)/356(2)/351(3)/79 of the BNS, 2023 and Section 66E of the IT Act and later on Section 238 of the BNS, 2023 was added in this case. Excepting Section 308(2), other sections are bailable in nature. Now for the sake of convenience, let us reproduce herein below the relevant part of the provision of Section 308(2) which provides as under:

(2) Whoever commits extortion shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

I have also perused the statement of witnesses so far recorded by I.O. in course of investigation. The investigation of the case is still in progress and also perused the statements of material witness who according to prosecution was present to the P.O. at the time of delivery of amount by the informant cum complainant to the present accused of this case. According to witness on the alleged day she found that the informant gave some bunch of amount to the accused-petitioner but nothing mentioned as to whether the amount was paid openly or in an envelope and how much amount was given by the informant nothing is clear from the statement of the said witness. Even from the statement of the said witness it transpires that she advised the informant to report the matter earlier which she failed even no effort was taken either by the said witness to accompany the informant to the police or also no effort was taken by the informant immediately to rush to the police station to lodge the FIR against the present petitioner-accused and it is also surprising

how on a public road the informant just on the basis of the threat instantly paid the amount to the petitioner-accused on her sudden threatening. This part of the statement appears to be confusing and not convincing. However, the investigation of the case is in progress and furthermore from the documents relied upon by the petitioner-accused that on the alleged day she appeared to the District Court and she hired one Rapido bike from her place of stay towards District Court. So as per the alleged prosecution story it was hardly probable on the part of the petitioner-accused to commit the crime at about 11.50 a.m. at Joynagar Bus Stand and thereafter to rush back to her home and again after 10-15 minutes later again to come back to District Court. So I find force in the submission of Learned Senior Counsel for the accused-petitioner and in my considered opinion this is not a fit case to consider custodial interrogation of the accused-petitioner in custody by rejecting the prayer and it appears to this Court that the accused-petitioner be given the opportunity to grant pre-arrest bail in the event of her arrest by the I.O. of this case.

In the result, the petition filed under Section 482 of BNSS is hereby allowed. The accused-petitioner may be enlarged on bail of her execution of bond of Rs.50,000/- (fifty thousand) with one surety in the event of her arrest to the satisfaction of the concerned arresting authority with the following terms and conditions:

(i) that the accused-petitioner shall make herself available for interrogation by the I.O. as and when called for, for the sake of investigation.

(ii) the accused-petitioner shall not make any inducement threat to any of the witnesses of the prosecution including the

complainant of this case nor the accused-petitioner during investigation of the case shall upload anything regarding this case through the social media/facebook.

(iii) the accused shall not leave the jurisdiction of the O.C. of concerned P.S. without prior permission of I.O. till completion of the investigation.

Liberty is given to the prosecution to pray for cancellation of bail if the accused-petitioner violates any of the aforesaid conditions of the bail granted to her.

With this observation, this present anticipatory bail application stands disposed of.

A copy of this order be communicated to the concerned Court where the record is pending.

Return back the CD to the I.O. through Learned P.P. along with a copy of this order.

A copy of this order be supplied to Learned Senior Counsel appearing for the accused-petitioner for information and compliance.

सत्यमेव जयते

JUDGE

Moumita

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