



HIGH COURT OF TRIPURA
AGARTALA
BA No.112 of 2026

Shri Diptendu Sinha
S/o Late Gopi Mohan Sinha, R/o Vill+P.O. – Halahali, P.S. Kamalpur, District – Dhalai Tripura.

.....Petitioner(s);

For and on behalf of

Sri Sudip Sinha,
S/o Late Gunamani Sinha, resident of Barjala Manipuri Para, P.S. NCC, District –West Tripura.

..... Accused person;

V E R S U S

- The State of Tripura.**
- The Prosecutrix (name & address withheld).**

.....Respondent(s);

For Petitioner (s)	:	Mr. Subrata Sarkar, Sr. Advocate, Ms. Megha Sarkar, Advocate, Mr. Prabin Singh, Advocate.
For Respondent(s)	:	Mr. Samrat Kar Bhowmik, Sr. Advocate, Mr. Raju Datta, Public Prosecutor, Mr. E.L. Darlong, Advocate, Mr. Sharlock Homes Roy, Advocate.
Date of hearing and delivery of Order	:	19.06.2026.
Whether fit for reporting	:	

YES	NO
	√

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
 O R D E R

19/06/2026

Heard learned counsel of both sides.

[2] The prayer has been made seeking bail of the accused person namely Sri Sudip Sinha who has been arrested on 14.05.2026 in connection with East Agartala Women P.S. Case No.2026WEA018 registered under Sections 69, 89, 351, 49, 3(5) of BNS, 2023.

[3] The FIR was lodged by respondent no.2 against the prime accused Shri Gitangshu Sinha and his parents i.e. the present petitioner Shri Sudip Sinha and Smt. Gita Rani Sinha alleging inter alia that since 14.02.2024, on the promise of marriage, said Shri Gitangshu Sinha committed physical intercourse with her on several occasions at different places including Agartala; Jorhat, Assam; Arunachal Pradesh and at Kolkata, West Bengal; but ultimately refused to marry her. Said Gitangshu Sinha prayed for a pre-arrest bail in connection with the said case and this Court vide order dated 03.06.2026, rejected the said prayer in A.B. No.34 of 2026 by a detailed order which is not discussed herein further to avoid repetition.

[4] So far as the father i.e. present accused is concerned, as per the case diary, after the prosecutrix went to the police station, the present accused person on two occasions visited the police station and assured the prosecutrix that they would arrange the marriage of said Gitangshu Sinha with her and sought time for that purpose. But, ultimately, he did not do anything to accomplish this assurance, rather he befooled her and by giving such false assurance, he gave a passage to his son, Gitangshu Sinha to flee away.

[5] Learned senior Counsel Mr. Subrata Sarkar for the petitioner, submits that so far as Section 69 of BNS, 2023 or abatement thereof are concerned, there is no ingredient of the same against the present petitioner, but despite the same, he is in custody for more than one month. Learned senior counsel also submits that the accused petitioner is a senior citizen and if released on bail, he will regularly attend the Court to face trial.

[6] Learned Public Prosecutor opposes the prayer placing the materials available against him in the case diary as indicated earlier.

[7] Learned senior counsel, Mr. S. Kar Bhowmik for the respondent no.2 seriously opposes the prayer submitting that the petitioner is a retired Executive Engineer and a very influential person having both financial and social status. He is so influential that even when the FIR was lodged, it was not registered by East Agartala Women Police Station, rather a zero FIR was registered and it was sent to the Jorhat Police Station at Assam. Thereafter, the respondent no.2 sent several representations to different constitutional authorities of the State including the Hon'ble Chief Minister; Hon'ble Chairman, Human Rights Commission; Director General of Police and others. Thereafter only, the police authority was compelled to registered the FIR with some delay. Moreover, the zero FIR was also returned from Jorhat police station to said police station.

[8] Learned senior counsel, Mr. Bhowmik, further submits that even after registration of the case, huge amount was offered to the respondent no.2 from the side of the accused persons to settle up the matter as they were in no way agreeing to arrange the marriage between Gitangshu Sinha and the prosecutrix. The above said facts itself, submits Mr. Kar Bhowmik, indicate that the present petitioner had also similar mens rea to deceive the prosecutrix and therefore, he also acted as an abettor to the offence under Section 69 of BNS.

[9] According to learned senior counsel, Mr. Bhowmik, after pressure was created from different corner upon her to mitigate the dispute, respondent no.2 sent a letter to the investigating officer stating that such pressure was even coming from her own fraternity and colleagues but she did not bend over to it, rather she demanded justice. The respondent no.2 is an advocate by profession and she became more shattered when such pressure was from her own colleagues. Still taking the risk of social stigma, she is coming

forward to fight for justice and if the present accused is released on bail, certain he will again try to influence the investigation.

[10] Learned senior counsel, Mr. Bhowmik, in this regard further refers to a decision of Hon'ble Calcutta High Court in case of **Lachmi@ Lakshmi Kanta Kamath versus the State of West Bengal; 2015 SCC OnLine Cal 7137**, wherein the High Court took note of some of the observations of Hon'ble Supreme Court made in another case viz **Tulsidas Kanolkar V. State of Goa, (2003) 8 SCC 590**. In said case, the Apex Court observes that there is a gulf of difference between consent and submission. Every consent involves a submission but the converse does not follow, and mere act of submission does not involve consent. An act of helpless resignation in the face of inevitable compulsion, quiescence, non-resistance or passive giving-in when the faculty is either clouded by fear or vitiated by duress or impaired due to mental retardation or deficiency cannot be considered to be consent as understood in law. For constituting consent, there must be exercise of intelligence based on the knowledge of the significance and the moral effect of the act. A girl whose mental faculties are undeveloped, cannot be said in law, to have suffered sexual intercourses with consent.

[11] Learned senior counsel, Mr. Bhowmik, further contends that the appearance of the present accused person on 26.04.2026 and 29.04.2026 in the police station has been recorded in the CCTV in the East Agartala Women Police Station and therefore, such footages are to be preserved and produced before the Court. Learned senior counsel also informs the Court that the prayer for calling for the CCTV footage was earlier made before the learned Additional Sessions Judge, West Tripura, Agartala while submitting the bail objection in connection with bail application filed on behalf of the present

accused in said Court, but, the said Court did not accept the said prayer. In that perspective, learned senior counsel has again made similar prayer before this Court today.

[12] Court has considered the submissions of both sides. As already indicated above, the incriminating materials regarding the complicity of the present petitioner is his appearance in the police station after the dispute between the prosecutrix and said Gitangshu Sinha was informed by her to the police, and about giving of alleged false assurance by him of arranging the marriage of the prosecutrix with his son, and thereafter, to give a pave to his son to flee away. Nothing is found available in the CD about his involvement in the affairs between his son and the prosecutrix prior to appearance of the prosecutrix in the police station. Anyway, his alleged involvement in the related offences will further be judged during trial. Presently, he is in custody for a considerable period and he is also aged person. As informed from the Bar, his wife, though FIR named, has also been granted pre-arrest bail earlier.

[13] Considering all these aspects and the materials available in the case diary against the present accused as indicated above, the Court is inclined to grant bail to him. It is ordered that the accused person namely Shri Sudip Sinha may go on bail on furnishing a bond of Rs.50,000/- [Rupees Fifty thousand only] with one surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, West Tripura, Agartala, with the following conditions that:

(a) the accused shall not try to make any contact, either directly or indirectly through any other person, with any person (including the victim) acquainted with the facts of the case, for the purpose of creating any influence or pressure upon her/ them, not to divulge the truth before the investigating officer or before the Court;

(b) he will appear before the investigating officer once in a fortnight for next three months;

(c) he will regularly attend the Court to face trial;

[14] So far the submission of Mr. Kar Bhowmik, Ld. Sr. Counsel regarding preservation and production of CCTV footages are concerned, it is already turned down by the learned Additional Sessions Judge and the matter has also not been challenged further. Therefore, this Court is not inclined to pass any specific order in this regard. However, O/c of East Agartala Women Police Station shall preserve the said CCTV footages of both the dates (26.04.2026 and 29.04.2026), so that in case of necessity, the investigating officer can make the same as a part of the incriminating material during such investigation, if he so desire.

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

Send a copy of this order immediately to learned Court below.

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