



HIGH COURT OF TRIPURA
AGARTALA

BA No.117 of 2026

Asit Kumar Das, S/O.Lt. Abani Mohan Das, R/o:Dhaleswar, Natun Palli, P.O.-Dhaleswar P.S-East Agartala, District- West Tripura-799007.

.....**Applicant(s)**

on behalf of

Sri Khani Ranjan Debbarma, S/o Lt. Dhananjay Debbarma, R/O Melka Dongor Bari, PO- Chankhola Bazar, PS- Baijalbari, Dist-Khowai Tripura, Pin- 799207.

....**Accused-Person**

Versus

The State of Tripura Represented by Ld. Public Prosecutor, High Court of Tripura.

....**Respondent(s)**

For Applicant(s) : Mr.P.Roy Barman, Sr. Advocate.
Mr.Kawsik Nath, Advocate.

For Respondent(s) : Mr.Raju Datta, PP.

Date of hearing and : **29.06.2026**
Delivery of Order

Whether fit for reporting :

Yes	No
	✓

=B=E=F=O=R=E=

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

=O=R=D=E=R=

Heard Ld. Counsel of both sides.

[2] The FIR was lodged by SI of Police namely, Shri Subal Debbarma of Baijalbari Police Station on 19.04.2026 that on the basis of an information that on 18.04.2026, some miscreants have attempted to set fire in the shop belonging to one Balen Debberma of Melka Dongor Bari, Belfang he went there and conducted preliminary



enquiry with the shop owner and available witnesses and it was revealed that the present petitioner namely, Shri Khani Ranjan Debbarma along with approximately 15(fifteen) other associates, formed an unlawful assembly, entered into the shop of the victim, vandalized it and by pouring petrol, set it ablaze. Thereafter, police visited the house of the petitioner and arrested him, but, there also the local villagers resisted the police from taking the petitioner in the custody and attacked them. Anyway, somehow, they managed the situation and brought the accused petitioner under arrest to the police station.

[3] The FIR has been registered under Sections 191, 189, 326(f), 326(g), 324, 332,3(5) of the Bharatiya Nyaya Sanhita (for short - BNS), 2023 and during investigation, the accused was released on bail by Ld. Chief Judicial Magistrate, Khowai on 02.05.2026. The State challenged the said order before the Ld. Sessions Judge, Khowai who cancelled the bail on 22.05.2026. Thereafter, the accused surrendered before the Court of Ld. Chief Judicial Magistrate on 29.05.2026, and since then, he is in custody.

[4] Ld. Sr. Counsel, Mr. P. Roy Barman assisted by Mr. Kawsik Nath, Ld. Counsel for the petitioner submits that the chargesheet is already submitted in this case and therefore, for the purpose of investigation, the detention of the accused is not required. The accused is ever ready to cooperate in the trial by his regular attendance in the Court and he will also not try to influence or terrorize any witness of the case.

[5] Mr. Roy Barman, Ld. Sr. Counsel, further contends that during the period of interim bail, there was no adverse report against the present petitioner and moreover, in two phases, the accused has been in custody for about 44 days.



[6] Ld. PP, however, opposes the bail prayer submitting that there are incriminating materials against the accused person and therefore, the chargesheet has been submitted against him. Moreover, when his bail was once cancelled by the Ld. Sessions Judge, without challenging the said order, he cannot now seek bail.

[7] Ld. PP, in this regard, also relies on a decision of a Coordinate Bench of this Court in the case of **Hasan Chowdhury vs. The State of Tripura; Criminal Petn.No.25 of 2026** dated 04.05.2026, wherein the accused challenged the order of cancellation of bail by Ld. Sessions Judge and this Court, thereafter, granted bail to the accused person after setting aside the order of Ld. Sessions Judge. Therefore, according to Ld. PP, unless the order of cancellation of bail is challenged before this Court, no bail can be granted to the accused.

Court has considered the submissions of both sides.

[8] So far applicability of Section 326(g) of BNS is concerned, prima facie it appears that the shop of the victim was not situated in any building. Therefore, applicability of Section 326(g) is subject to further Judicial scrutiny in the trial. In the previous decision of this Court in **Hasan Chowdhury**(supra), it appears that fact was different from the instant case. In that case, in a case triable by the Court of Session, Ld. Chief Judicial Magistrate granted bail and committed the case to the Court of Ld. Sessions Judge, but, when the accused appeared before the Ld. Sessions Judge in compliance with the directions of Ld. Chief Judicial Magistrate, the prosecution made an application for cancellation of bail without prior notice to the accused and without giving any scope to the accused to oppose the prayer. Ld. Sessions Judge, thereafter, cancelled the bail granted to him and remanded him in the Judicial custody. Challenging the said order of Ld. Sessions Judge, the Criminal Petition was submitted before the High Court, wherein the Court after setting aside the said order,



granted bail to the accused. Prior to filing of said Criminal Petition No. 25 of 2026, the petitioner also approached this Court for bail in BA No.47 of 2026 mainly challenging the order of Ld. Sessions Judge and ultimately, withdraw the said petition to challenge the said order of Ld. Sessions Judge in proper forum. However, in the case in hand, the petitioner is not seeking for setting aside of the order passed by Ld. Addl. Sessions Judge on 22.05.2026, rather, the petitioner complied the said order by surrendering before the Ld. Chief Judicial Magistrate on 29.05.2026, and since then he is in custody. Now, he has preferred this bail application on the basis of changed circumstance that chargesheet in this case is already filed. He has no grievance regarding the order of Ld. Sessions Judge, Khowai dated 22.5.2026

[9] In view of above, the Court does not find any legal embargo to consider the bail application. As the investigation is already complete and for the considerable period, the accused is in custody, and as indicated above, application of Section 326(g) is also liable to further Judicial examination, bail prayer is allowed.

[10] The accused, Shri Khani Ranjan Debbarma may go on bail on furnishing of a bond of Rs.50,000/-(Rupees Fifty thousand) only with one surety of the like amount to the satisfaction of the Ld. Chief Judicial Magistrate, Khowai or the Elaka Magistrate on condition that :

1) He will regularly attend the Court to face trial;

2) He will not try to terrorize or influence any witness of the case;

3) He will give his attendance once in a fortnight before the Court of Ld. Chief Judicial Magistrate or before the Court of Ld. Sessions Judge after such commitment, as the case may be, for next 3(three) months.



[11] With such observation and directions, the bail application is disposed of.

It is clarified that the observation made hereinabove is made for limited purpose for deciding the bail application and it shall have no bearing in the matter of framing of charge or during trial.

Send a copy of this order forthwith to the Ld. Court below.

Return the Trial Court record.

Return the CD to Ld. PP.

JUDGE

Saikat Sarma

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SARMA

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