

**HIGH COURT OF TRIPURA  
AGARTALA  
B.A. No.69 of 2024**

Smt. Mousumi Bhowmik (Debnath)  
on behalf of accused person  
Sri Nandan Debnath.

-----Applicant(s)

Versus

The State of Tripura.

-----Respondent(s)

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For Applicant(s) : Ms. S. Deb, Adv.

For Respondent(s) : Mr. R. Datta, P.P.,  
Mr. S. Ghosh, Addl. P.P.

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**HON'BLE MR. JUSTICE BISWAJIT PALIT**

**Order**

**25/10/2024**

Heard Ms. S. Deb, Learned Counsel for the petitioner-accused in custody. Also heard, Mr. R. Datta, Learned P.P. along with Learned Addl. P.P., S. Ghosh for the State-respondent.

This application is filed for release of the accused on bail under Section 483 of BNSS, who is in custody on and from 23.09.2024.

In course of hearing, Learned Counsel for the petitioner-accused submitted that R.K. Pur P.S. Case No.93/2024 under Section 313(3)/305(a) of BNS was registered on the basis of an FIR laid by one Tulsi Das Modak of Madhyapara, Udaipur on the allegation that on 18.09.2024 a theft occurred in his residence in between 10.00 a.m. to 01.30 p.m. by the miscreants by breaking the window of one of his rooms in his house and in course of investigation, the I.O. caused arrest of accused persons namely Dulal Chowdhury, Rubel Miah, Billal Miah and Nandan Debnath and forwarded them before the Learned Court below.

Learned Counsel further submitted that on the basis of disclosure statement of one of the accused, Dulal Chowdhury, the said accused, Nandan Debnath was arrested being the receiver of gold ornaments. But during investigation, nothing was recovered/seized from the possession of the accused person. Learned Counsel also submitted that on the first day, when the accused was produced before the Learned Court below, that day, considering the materials on record, even the prayer of I.O. for granting police custody was also rejected. Thus, it is clear that the accused has been falsely implicated in this case and during investigation, no further prayer was made for granting police custody of the accused in custody. Even no prayer was submitted by the I.O. for recording confessional statement of the accused in custody. Furthermore, according to Learned Counsel, the mother of the accused, being an aged lady was/is suffering from illness. So, considering the period of his detention in custody, he may be released on bail in any condition.

On the other hand, Learned P.P., Mr. R. Datta along with Learned Addl. P.P., Mr. S. Ghosh opposed the bail application and submitted that in absence of C.D., it would not be proper to consider the bail application at this stage.

I have heard both the sides and gone through the FIR and the forwarding report of I.O. dated 23.09.2024 and the order dated 23.09.2024 and the subsequent order dated 05.10.2024 passed by Learned CJM, Gomati Judicial District, Udaipur annexed with the bail application. The present case is registered under Section 331(3)/305(a) of BNS along with

Section 317(2) of BNS, 2023 against this present accused and others. The investigation of this case is in progress. So, considering the relevant papers annexed with the bail application submitted by the accused in custody, it appears that the I.O. of this case could not collect any materials showing implication of the present accused in custody as because nothing was recovered from his possession by this time during the period of investigation save and except statement made by co-accused. Hence, considering the nature of the allegation, this Court is inclined to grant interim bail to the accused, Nandan Debnath who is in custody till 28.11.2024 of his execution of bond of Rs.50,000/- with one surety of like amount to the satisfaction of the Learned Court below with condition that during the period on bail, the accused shall not leave the jurisdiction of the Court without prior permission, nor shall make any attempt to temper any evidence on record and shall appear before I.O. as and when call for the sake of investigation i.d. to remain in judicial custody as before. The accused shall surrender before the Learned Court below on 28.11.2024 and on that day the I.O. shall produce the C.D. before the concerned Learned CJM. If by this time, the accused violates any condition of the bail, in that case, the Learned Court below shall be at liberty to pass appropriate order for cancellation of the bail for the sake of investigation, if required.

A copy of this order be communicated to Learned Counsel for the petitioner-accused in course of the day for information and compliance.

A copy of this order be communicated to I.O. through Learned P.P. in course of the day.

A copy of this order also be communicated to Learned Court below for information and compliance.

With this observation, this bail application stands disposed of.

**JUDGE**



*Purnita*