

**HIGH COURT OF TRIPURA
AGARTALA**

AB No. 31 of 2026

1. Sri Hirakdyuti Nath,
S/o- Sri Mrinal Kanti Nath, aged about 37 years,
resident of Pragati Road, Nayapara, P.S.-Dharmanagar,
District-North Tripura.

2. Sri Suraj Deb,
S/o- Sri Sanjit Deb, aged about 33 years,
resident of Station Road, P.O.- Rajbari-799253,
P.S.-Dharmanagar, District-North Tripura.

3. Sri Abhijit Das,
S/o- Late Nibaran Das, aged about 40 years,
resident of Station Road, P.O.- Rajbari-799253,
P.S.- Dharmanagar, District-NorthTripura.

---- Applicant(s)

Versus

The State of Tripura

--- Respondent(s)

AB No. 36 of 2026

1. Sri Manoj Purkayastha,
S/o- Late Mohit Purkayastha, aged about 33 years,
resident of Chndrapur Ashram Road, P.O.- Chandrapur,
P.S. & Sub-Division-Dharmanar, District-North Tripura;

2. Sri Prabal Kanti Deb @ Pantha,
S/o- late Pranab Kumar Deb, aged about 36 years,
resident of Village & P.O.-Chandrapur,
P.S. & Sub-Division-Dharmanagar, District-North Tripura

---- Applicant(s)

Versus

The State of Tripura

---- Respondent(s)

For Applicant(s)	: Mr. Sankar Lodh, Adv. Mr. Kishalay Roy, Adv.
For Respondent(s)	: Mr. Raju Datta, PP. Mr. Pijush Kanti Biswas, Sr. Adv. Mr. Rishiraj Nath, Adv.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

15.06.2026

Both the pre-arrest applications have been taken up together for hearing and disposal as both the applications have arisen out of the same FIR.

2. Heard Learned Counsel Mr. S Lodh appearing on behalf of the accused petitioners and also heard Learned Sr. Counsel Mr. PK Biswas, assisted by Learned Counsel Mr. R Nath, appearing on behalf of the de facto complainant. Also heard Learned PP, Mr. R Datta, appearing on behalf of the State respondent.

3. Taking part in the hearing, Learned Counsel Mr. S Lodh, drawn the attention of this Court that on the basis of an FIR laid by one Smt. Ananya Bhattacharjee, DMN PS case No. 27/2026 under Sections 329(4)/117(2)/351(3)/108/3(5) of BNS, 2023 is registered against the petitioner-accused persons in both the aforesaid applications. But excepting Section 108 of BNS, all the Sections are bailable and the prosecution, in the instant case, could not place any material against any of the petitioners-accused persons for invoking the provision of Section 108 of BNS.

4. Learned Counsel further drawn the attention of the Court, referring to the contents of the FIR and submitted that from the contents of the FIR it transpires that there is no material against any of the accused persons that they have abetted the deceased to commit suicide and accordingly the present petitioners in both

the cases, approached for granting pre-arrest bail before the Court of Learned Sessions Judge, North Tripura, Dharmanagar and by order dated 12.05.2026 in Bail Application No. 19/2026 filed by the petitioner accused persons, Sri Abhijit Das, Sri Suraj Deb, Sri Hirakdyuti Nath and by another order dated 16.05.2026 in Bail Application No.20/2026 filed by the petitioner accused persons, Sri Manoj Purkayastha, Sri Prabal Deb, the Learned Sessions Judge was pleased to reject the pre-arrest bail application filed by those petitioner accused persons and under compelling circumstances the present petitioner accused persons in both the applications have approached for granting them pre-arrest bail on the ground that the police is trying to apprehend them in connection with the aforesaid case in which they have been falsely implicated.

5. It was also submitted by Learned Counsel that on the day of alleged occurrence, on the basis of information laid by the deceased husband of the informant, police submitted a PR against the present petitioner accused persons. Had there been any specific evidence against any of the petitioner accused persons showing their involvement with the alleged offence, in that case the police could definitely take action against the petitioner accused persons registering a specific case but without doing so simply a Prosecution Report was submitted by the police.

6. It was further submitted by Learned Counsel by Mr. Lodh, that if it is found that the prosecution's allegation is true, still there is no scope to believe that the petitioner accused persons

are involved with the alleged commission of offence punishable under Section 108 of BNS. So, Learned Counsel urged for releasing the petitioner accused persons on bail, in any condition, for the sake of investigation. In support of his contention Learned Counsel relied upon few citations.

7. In ***Balaji Jaiswal vs. State of Chattisgarh & Anr.*** reported in **2026 SCC Online SC 602** Hon'ble the Apex Court in para No. 11-13 has observed as under:-

“11. From the aforesaid decision, it becomes clear that for sustaining a charge under Section 306 of the Penal Code, it has to be shown that the accused persons had contributed to the suicide by the deceased through some direct or indirect act. Section 107 of the Penal Code has thereafter been referred to hold that there ought to be some instigation or incitement that would reveal a clear *mens rea* to abet the commission of suicide, thus, leading the victim to such a position that he/she would have no other option but to commit suicide. There ought to be some material to indicate a positive act of instigation, which is a crucial component of abetment. Instigation or incitement on the part of the accused person has been held to be the gravamen of the offence of abetment to suicide. The act of instigation also has to be in close proximity to the act of suicide so as to form the nexus or a chain to indicate that the act of suicide was the direct result of the act of instigation by the accused person. Incidentally, the decision in *Ramesh Kumar* (supra) cited by the learned counsel for the first respondent has been considered and relied upon in *Prakash* (supra).

12. The material forming part of the charge sheet would, therefore, have to be examined keeping in mind the above perspective. Existence of all the ingredients constituting the alleged offence would be necessary. On going through the various statements recorded by the prosecution, the same indicate that deceased Komal was addicted to liquor and that the appellant and Komal used to have liquor together. The son of the deceased, Aakash, had stated that whenever his father used to drink from his money, Revati Bai used to scold him. However, when the appellant used to bring liquor for him, she did not object. In his subsequent statement recorded after about five months from the incident, he suspected that there were illicit relations between his mother and the appellant. Statements of other family members and neighbours indicate the addiction of Komal to liquor. Except such statements and general allegations of illicit relationship

between Revati Bai and the appellant, there is no material whatsoever to indicate any instigation or incitement at the instance of the appellant that could lead to Komal committing suicide. On 05.05.2024, the appellant had been to the house of Komal and they had liquor together between 09 : 00 P.M. to 10 : 00 P.M. There is no material whatsoever indicating any act of instigation or incitement or abetment by the appellant. The suicide was stated to have been committed in the morning of 07.05.2024. No material whatsoever as regards the proximity between the meeting of the appellant and the deceased, and his committing suicide is available on record. It, thus, will have to be held that the requirements of Section 107 of the Penal Code are not satisfied in the present case.

13. Even if we proceed on the premise that there were illicit relations between the appellant and the wife of the deceased, the clear *mens rea* to abet the commission of suicide by Komal is absent. As held, to bring home a charge under Section 306 of the Penal Code, the act of abetment would require some positive act of instigating or intentionally aiding another person to commit suicide. There is no allegation that the appellant had instigated Komal to commit suicide or that he had in some way aided any act or illegal omission to bring about the suicide. Further, there is no material on record to infer that Komal was left with no other option except to commit suicide. In the absence of such *mens rea* on the part of the accused being apparent from the face of record, the charge under Section 306 of the Penal Code cannot be sustained.”

8. Further reference was made upon another citation of the Hon'ble Supreme Court reported in **(2019) 3 SCC 315** in ***M. Arjunan vs. State represented by its Inspector of Police***, wherein para Nos. 6-8 Hon'ble the Apex Court has observed as under:-

“6. As pointed out by the High Court, of course PW 1 to PW 5 have spoken about the borrowing of money by the deceased and also the execution of the promissory note. The sheet anchor of the prosecution's case to prove the guilt of the accused is the suicide note (MO 1) written by the deceased. On perusal of suicide note (MO 1), it is seen that in MO 1 the deceased has written about the financial difficulties faced by him and his inability to meet the financial crunch and also his inability to repay the same. The tenor of MO 1 only shows that the deceased was subjected to pressure for payment and was facing the financial difficulty. In MO 1 (letter) there is nothing to indicate that there was

instigation by the appellant-accused which had driven the deceased to take the extreme step of committing suicide.

7. The essential ingredients of the offence under Section 306 IPC are: (i) the abetment; (ii) the intention of the accused to aid or instigate or abet the deceased to commit suicide. The act of the accused, however, insulting the deceased by using abusive language will not, by itself, constitute the abetment of suicide. There should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to commit suicide. Unless the ingredients of instigation/abetment to commit suicide are satisfied the accused cannot be convicted under Section 306 IPC.

8. In our considered view, in the case at hand, MO 1 letter and the oral evidence of PW 1 to PW 5, would not be sufficient to establish that the suicide by the deceased was directly linked to the instigation or abetment by the appellant-deceased. Having advanced the money to the deceased, the appellant-accused might have uttered some abusive words; but that by itself is not sufficient to constitute the offence under Section 306 IPC. From the evidence brought on record and in the facts and circumstances of the case, in our view the ingredients of Section 306 IPC are not established and the conviction of the appellant-accused under Section 306 IPC cannot be sustained.”

9. In another case reported in **(2025) 4 SCC 801** in ***Mahendra Awase vs. State of Madhya Pradesh*** Hon'ble the Apex Court in para Nos. 10-14 observed as under:-

“10. Section 306IPC reads as under:

“306. Abetment of suicide.—If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

11. Section 107IPC reads as under:

“107. Abetment of a thing.—A person abets the doing of a thing, who—

First.—Instigates any person to do that thing; or

Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that thing.”

12. As is clear from the plain language of the sections to attract the ingredient of Section 306, the accused should have abetted the

commission of a suicide. A person abets the doing of a thing who Firstly — instigates any person to do that thing or Secondly — engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing or Thirdly — intentionally aids, by any act or illegal omission, the doing of that thing.

13. In *Swamy Prahaladdas v. State of M.P.* [Swamy Prahaladdas v. State of M.P., 1995 Supp (3) SCC 438 : 1995 SCC (Cri) 943] , the appellant remarked to the deceased that “go and die” and the deceased thereafter, committed suicide. This Court held that : (SCC p. 439, para 3)

“3. ... Those words are casual in nature which are often employed in the heat of the moment between quarrelling people. Nothing serious is expected to follow thereafter. The said act does not reflect the requisite mens rea on the assumption that these words would be carried out in all events.”

14. In *Madan Mohan Singh v. State of Gujarat* [Madan Mohan Singh v. State of Gujarat, (2010) 8 SCC 628 : (2010) 3 SCC (Cri) 1048 : (2010) 2 SCC (L&S) 682] , this Court held that in order to bring out an offence under Section 306IPC specific abetment as contemplated by Section 107IPC on the part of the accused with an intention to bring about the suicide of the person concerned as a result of that abetment is required. It was further held that the intention of the accused to aid or to instigate or to abet the deceased to commit suicide is a must for attracting Section 306.”

10. Further Hon'ble the Supreme Court in ***Pawan Khera vs. State of Assam*** reported in **2026 SCC Online SC 749** in para Nos. 24-26 has observed as under:-

24. At this stage, we are cognizant of the fact that personal liberty of an individual enshrined under Article 21 of the Constitution of India cannot be put to jeopardy lightly. But at the same time, we are also of the view that for any offences as alleged in the FIR, the investigation should be completed with integrity and in full swing with co-operation of the Appellant.

25. Having regard to the aforesaid considerations, we are of the opinion that while adjudicating an application for anticipatory bail, a careful balance must be struck between the State's interest in ensuring a fair investigation and the individual's fundamental right to personal liberty under Article 21 of the Constitution of India, in light of the principles enunciated in *Gurbaksh Singh Sibbia* (supra). In this context, the criminal process must be applied with objectivity and circumspection so as to ensure that

individual liberty is not imperiled by proceedings that may be coloured by political rivalry. We are further of the opinion that the allegations and counter-allegations, as apparent in the present case, prima facie, appear to be politically motivated and seemingly influenced by such rivalry, rather than disclosing a situation warranting custodial interrogation, and the veracity of the allegations can be tested at trial. The right to personal liberty is a cherished fundamental right, and any deprivation thereof must be justified on a higher threshold, particularly where the surrounding circumstances may indicate the presence of political overtones.

26. Considering all these aspects as discussed above and in conspectus of the present case, we are of the view that the tests as enumerated for grant of anticipatory bail in Gurbaksh Singh Sibbia (supra) finds favour with the Appellant.

11. In another case reported in **AIR 2025 SC 3823 : 2025 SCC OnLine SC 1725** in ***Abhinav Mohan Delkar vs. State of Maharashtra*** Hon'ble the Apex Court in para Nos. 22-24 has observed as under:-

“22. What comes out essentially from the various decisions herein before cited is that, even if there is allegation of constant harassment, continued over a long period; to bring in the ingredients of Section 306 read with Section 107, still there has to be a proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, the last proximate incident having finally driven the subject to the extreme act of taking one's life. Figuratively, ‘the straw that broke the camel's back’; that final event, in a series, that occasioned a larger, sudden impact resulting in the unpredictable act of suicide. What drove the victim to that extreme act, often depends on individual predilections; but whether it is goaded, definitively and demonstrably, by a particular act of another, is the test to find mens rea. Merely because the victim was continuously harassed and at one point, he or she succumbed to the extreme act of taking his life cannot by itself result in finding a positive instigation constituting abetment. Mens rea cannot be gleaned merely by what goes on in the mind of the victim.

23. The victim may have felt that there was no alternative or option, but to take his life, because of what another person did or said; which cannot lead to a finding of mens rea and resultant abetment on that other person. What constitutes mens rea is the intention and purpose of the alleged perpetrator as discernible from the conscious acts or words and the attendant circumstances,

which in all probability could lead to such an end. The real intention of the accused and whether he intended by his action to at least possibly drive the victim to suicide, is the sure test. Did the thought of goading the victim to suicide occur in the mind of the accused or whether it can be inferred from the facts and circumstances arising in the case, as the true test of mens rea would depend on the facts of each case. The social status, the community setting, the relationship between the parties and other myriad factors would distinguish one case from another. However harsh or severe the harassment, unless there is a conscious deliberate intention, mens rea, to drive another person to suicidal death, there cannot be a finding of abetment under Section 306.

24. We have already seen that even a rebuke to “go, kill yourself”; often a rustic expression against distasteful conduct, cannot by itself be found to have the ingredients to charge an offence of abetment to suicide. There is no uniformity in how different individuals respond and react under pressure. Many stand up, some fight back, a few runaway and certain people crumble and at times take the extreme step of suicide. To put the blame on the pressure imposed and the person responsible for it, at all times, without something more to clearly discern an intention, would not be the proper application of the penal provisions under Section 306.”

12. Reliance was place upon another citation of the Hon’ble Supreme Court in ***Venu Gopalakrishnan vs. State of Kerala & Anr.*** reported in ***2026 SCC OnLine(SC) 601*** wherein in para Nos. 18, 23 & 24 Hon’ble the Apex Court has observed as under:-

“18. Learned senior counsel for the respondent/complainant submitted that the complainant was subjected to rape and sexual assault for over a year and as the CEO of the company, the appellant wielded complete authority over the respondent/complainant and the employees and the respondent/complainant was vulnerable to power imbalance and workplace dominance. It was further submitted that the High Court had observed that the manner of investigation into the respondent/complainant's FIR did not inspire confidence and noted that the respondent/complainant's devices were seized without any seizure memo and therefore the impugned order warrants no interference from this Court.

.....

23. Considering the facts and circumstances of the case, in our view, the accused/appellant is entitled to the relief claimed under Section 482 of BNSS. We, therefore, allow this appeal and set aside the impugned order passed by the High Court dated 11.09.2025 qua the appellant.

24. We direct that in the event of arrest of the appellant, the Arresting Officer shall release the appellant on bail, subject to his furnishing a cash security in the sum of Rs. 1,00,000/- (Rupees One Lakh only) with two like sureties.”

13. Lastly Learned Counsel relied upon another citation in ***Pradip N Sharma vs. State of Gujarat & Anr.*** reported in **2025 SCC Online SC 457** wherein in para No.18 Hon’ble the Apex Court has observed as under:-

“18. However, considering the nature of the allegations and the fact that the matter is to be investigated primarily based on documentary evidence, the Court is inclined to grant the relief of anticipatory bail to the appellant. The offences alleged pertain to the exercise of administrative discretion in the passing of an order rather than direct physical involvement in any overt criminal act requiring custodial interrogation. The prosecution has not demonstrated any necessity for the custodial interrogation of the appellant beyond scrutiny of official records, which can be done without placing him in detention. Additionally, the appellant has expressed his willingness to cooperate with the investigation, and no material has been placed before this Court to suggest that he has evaded or obstructed the investigation in any manner. Furthermore, it is well-settled that anticipatory bail can be granted where custodial interrogation is not essential, particularly in cases where the allegations hinge on official records and the presence of the accused can be secured without pre-trial detention. The Court also takes note of the fact that the FIR in question is part of a series of similar allegations against the appellant, and in the absence of any concrete material indicating a likelihood of tampering with evidence or influencing witnesses, the grant of anticipatory bail is justified. Accordingly, while the appellant shall cooperate with the investigation as and when required, he shall not be taken into custody, subject to conditions imposed hereinafter to ensure his participation in the inquiry process.”

14. Referring the same Learned Counsel drawn the attention of the Court that in the instant case there is no material for drawing adverse inference against any of the petitioner accused persons under Section 108 of BNS, 2023 and as such, Learned Counsel drawn the attention of the Court that this is a fit case

where the petitioner accused persons are entitled to be released on pre-arrest bail in any condition and also submitted that there is no *mens rea* in this case against any of the petitioner.

15. On the other hand Learned Sr. Counsel Mr. PK Biswas, assisted by Mr. R Nath, Learned Counsel appearing on behalf of the de facto complainant submitted that from the act and conduct of the petitioner accused persons it transpires that due to their illegal act they have abetted the deceased to commit suicide. So according to Learned Sr. Counsel, considering the materials on record, Learned Sessions Judge has rightly rejected their bail application and as such, the present applications are not maintainable and the same are liable to be rejected. Learned Senior Counsel for the defacto complainant further submitted that due to physical assault the pregnancy of the victim was aborted and the father-in-law of the victim also developed cardiac issue.

16. Learned PP Mr. R Datta, appearing on behalf of the State respondent drawn the attention of the Court that from the facts and circumstances of the case it appears that the present petitioner accused petitioners, directly or indirectly, continued their illegal acts for which the deceased had committed suicide and from the act and conduct & also from the statement of witnesses it is clear that due to illegal act of the petitioner accused persons, the deceased had committed suicide and Learned Sessions Court considering the materials on record rightly rejected their bail application. It was further submitted by Learned PP that in course

of investigation the IO has recorded the statements of some of the witnesses of the prosecution and from their statements it is clear that due to the act of the petitioner accused persons the deceased was compelled to commit suicide. So Learned PP urged for dismissal of both the bail applications.

17. Further Learned PP also relied upon one citation of the Hon'ble Supreme Court reported in ***P. Chidambaram vs. Directorate of Enforcement*** in **(2019) 9 SCC 24** wherein para No.69 the Supreme Court held as under:

“69. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 CrPC is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of the applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

18. Referring the same he submitted that in view of the observation of the Hon'ble Supreme Court there is no scope to grant pre-arrest bail to the petitioner accused persons in this case.

19. Considered.

20. In this case, the prosecution was set into motion on the basis of an FIR laid by one Smt. Ananya Bhattacharjee i.e. the *de facto* complainant, on 05.05.2026 to O/C, Dharmanagar police station alleging *inter alia* that her husband was the Councillor of

Dharmanagar Municipal Council and also President of Dharmanagar Mandal Yuba Morcha. On 04.05.2026 after declaration of results of Dharmanagar bye-election her husband came to the house and thereafter, in the noon, at about 3.30 p.m. the petitioner accused persons illegally entered her house and attacked her house, and when she came out from the room, the petitioner accused persons in loud voice using filthy language and asked to bring her husband out of the house. She was carrying 5(five) months pregnancy, but the petitioner accused persons conjointly assaulted her by fist and kicks and fell her down on the ground and when her old aged parents-in-law came forward to rescue her, the petitioner accused persons also assaulted her parents-in-law indiscriminately. Somehow, closing their doors and windows they saved themselves and due to assault inflicted by the petitioner accused persons she herself and her parents-in-law sustained grievous injuries. On that date, at night at about 01.00 a.m. again the petitioner accused persons attacked their house and threatened them that they will kill her husband where they will get him and due to consecutive attacks her husband mentally broke down and on the next date i.e. 05.05.2026 in the morning at about 4.30/05.00 a.m. she saw that her husband was in hanging condition to their bathroom. It was further mentioned in the FIR that it was the belief of the informant that due to the acts of the petitioner accused persons her husband went under depression and ultimately committed suicide.

21. I have also perused the statement of witnesses, specifically the statement of the informant and her parents-in-law recorded by the IO in course of investigation and also the judicial statements made by the witnesses before the concerned jurisdictional magistrate. Admittedly, the deceased and the present petitioner accused persons belong to the same political party. From the record, it transpires that on the basis of an information on 04.05.2026 one PR was submitted by O/C Dharmanagar PS against the petitioner accused persons with the allegation that on that date at about 11:35 hours the present petitioner accused persons appeared in front of the house of the deceased and used filthy languages and threatened the deceased to come out of the house. But on the basis of the said information no specific case under BNS was registered by police.

22. The present case has been registered on the basis of subsequent events, according to prosecution, on the basis of FIR laid by the de facto-complainant. As already stated the case has been registered under Sections 329(4)/117(2)/351(3)/108/3(5) of BNS, 2023. Except Section 108 of BNS the other alleged sections are bailable in nature. The investigation of the case is still in progress.

23. I have also perused the order passed by Learned Sessions Judge and also the citations referred by Learned Counsel for the petitioner accused persons. In the FIR, the informant only mentioned that the alleged petitioner accused persons committed

the offence of house trespass and assaulted her and her parents-in-law and also threatened with dire consequence to the husband of the informant for which he was compelled to commit suicide.

24. From the observation made by the Hon'ble Supreme Court in ***Abhinav Mohan Delkar*** (supra) reported in **AIR 2025 SC 3823**; **2025 SCC OnLine SC 1725** it appears that if there is allegation of constant harassment continued over a long period to bring the ingredients of Section 306 read with Section 107, now Section 108 of BNS still there has to be a proximate prior act to clearly find out that the suicide was the direct consequence of such continuous harassment.

25. Further, in a prosecution under Section 306 of IPC now under Section 108 of BNS the prosecution should prove the following ingredients:-

(i) the abetment;

(ii) the intention of the accused to aid or instigate or abet the deceased to commit suicide.

26. From the judgment of the Supreme Court in ***M. Arjunan*** (supra) it appears that the act of the accused however insulting the deceased by using abusive language will not by itself constitute the abetment of suicide. There should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to commit suicide and unless the ingredients of instigation of abetment to commit suicide are

satisfied there is no scope to convict an accused under Section 306 of IPC, now under Section 108 of BNS.

27. In the case at hand, on perusal of the relevant prosecution papers it appears that the deceased was the Councillor of Dharmanagar Municipality Council and also the President of Dharmanagar Mandal Yuba Morcha.

28. From the statement of witnesses of the prosecution recorded by IO, further it appears that the present petitioner accused persons were threatening the deceased on so many occasions for a quite long period. But surprisingly, no such legal step was taken by him holding a political chair. Even, on the basis of this information on the same day simply a PR was submitted by police without registering any specific case. Even for argument sake, if it is established that the petitioner accused persons entered in to the residence of the informant and threatened the informant's family members, in that case also there is no scope to come to the conclusion that due to the act of the petitioner accused persons the deceased committed suicide; or that the suicide committed by the deceased was due to the criminal act caused by the petitioner accused persons. From the order passed by the Learned Sessions Court it appears that the Learned Sessions Judge at the time of the consideration of the bail application only came to the observation that the allegation was serious and considering the statement of witnesses as recorded by

IO the Learned Sessions Judge refused to grant pre-arrest bail to the petitioner accused persons.

29. Thus, after hearing both the sides and also after going through the observation of the Hon'ble Apex Court in the afore-noted cases, it appears to this court that this is a fit case where the concession of pre-arrest bail can be granted to the petitioner accused persons.

30. In the result, both the pre-arrest bail applications filed by the petitioner accused persons are hereby allowed. The petitioner accused persons namely, **Sri Abhijit Das, Sri Suraj Deb, Sri Hirakdyuti Nath, Sri Manoj Purkayastha and Sri Prabal Kanti Deb @ Pantha** may be released on bail of their execution of bond of Rs.1,00,000/- each with one surety of like amount to the satisfaction of O/C Dharmanagar PS in the event of their arrest with the following terms and condition :-

(i) that the petitioner accused persons shall not visit the locality where the de facto-complainant resides.

(ii) the petitioner accused persons shall appear before the IO as and when called for, for the sake of investigation.

(iii) the petitioner accused persons shall not make any attempt to threaten the witnesses of the prosecution or to tamper the evidence on record of the prosecution nor shall cause any disturbance to the informant or her family members.

(iv) the petitioner accused persons shall not leave the jurisdiction of O/C of the concerned PS without prior approval.

31. If it is found that the petitioner accused persons have violated/violates the conditions of bail in that case the prosecution shall be at liberty to approach for cancellation of bail granted, to the concerned Jurisdictional Magistrate.

32. With the aforesaid observation the present pre arrest bail applications are disposed of.

Send down the record to the Learned Trial Court along with a copy of the order. Return back the CD to IO through Learned PP along with a copy of this order.

Also, supply a copy of this order to Learned Counsel for the petitioner for information and compliance.

JUDGE



सत्यमेव जयते