

**HIGH COURT OF TRIPURA
AGARTALA**

A.B. No.51 of 2025

Sri Dipankar Goswami & Anr.

---- Applicant(s)

Versus

The State of Tripura

----Respondent(s)

For Applicant(s)	:	Mr. Bibhal Nandi Majumder, Sr. Adv. Mr. Samrat Sarkar, Adv. Mr. Rounak Chakraborty, Adv.
For Respondent(s)	:	Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

22/07/2025

Learned Senior Counsel, Mr. Bibhal Nandi Majumder assisted by Learned Counsel, Mr. Rounak Chakraborty is present on behalf of the accused-applicants. Learned Addl. P.P., Mr. Rajib Saha is present on behalf of the respondent-State.

This application under Section 482 of BNSS, 2023 is filed for granting pre-arrest bail to the accused-applicants namely, Sri Dipankar Goswami and Sri Subhankar Goswami in connection with Dharmanagar Women PS case No.13 of 2025 registered under Sections 329(3)/74/117(2) & 351(2) of BNS, 2023.

Taking part in the hearing, Learned Senior Counsel for the accused-applicants drawn the attention of this Court referring the contents of the F.I.R. that the informant of this case is the niece of the present accused-applicants and when the accused-applicants objected the informant about some issues, this dispute cropped up and ultimately this case has been manufactured. It is further submitted that the present accused-applicants approached to the Court of Learned Sessions Judge, North Tripura, Dharmanagar and the Learned Sessions Judge by order dated 15.07.2025 in connection with BA No.42 of 2025

rejected their bail application on the ground that Section 74 of BNS, 2023 is attracted against them. Learned Senior Counsel further submitted that excepting Section 74 of the BNS, 2023 all the other Sections i.e. Sections 329(3)/117(2)/351(2) of BNS, 2023 are bailable in nature and probably at the time of hearing Learned Trial Court overlooked the principle of law laid down by Hon'ble the Apex Court in **Arnesh Kumar vs. State of Bihar & Anr.**, reported in **(2014) 8 SCC 273**. Referring the said citation, Learned Senior Counsel further submitted that in view of the principle of law laid down in the said judgment, there is no scope to arrest the accused persons in a case of this nature.

Learned Senior Counsel further submitted that considering the present situation, the accused-applicants may at least be granted interim protection till production of Case Diary.

Learned Addl. P.P., on the other hand submitted that the investigation of the case is in progress and the prosecution shall produce the Case Diary on the next date. So, at this stage, considering the materials on record there is no scope to grant any interim protection to the accused-applicants. Learned Addl. P.P. asked for allowing the prosecution to produce the Case Diary on the next date.

Considered.

I have perused the F.I.R. and the order passed by Learned Sessions Judge.

Let the record be called for from the Learned Trial Court.

Also, Learned Addl. P.P. be asked to produce the Case Diary on the next date and till production of the Case Diary no coercive action be taken against the accused-applicants.

A copy of this order be supplied to Learned Senior Counsel for the accused-applicants. A copy of this order also be supplied to Learned Addl. P.P. to produce the Case Diary on the next date

List the matter on **01.08.2025.**

JUDGE

Snigdha

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