

**HIGH COURT OF TRIPURA****AGARTALA****BA NO. 124 OF 2026****Rekat Ali,**S/o Achmat Ali, resident of Indiranagar, P.S Melaghar,
District-Sepahijala, Tripura.

...Applicant/petitioner

On behalf of**1.Sri Amran Hossain,**S/o Sri Rekat Ali, resident of Indiranagar, P.S Melaghar,
District-Sepahijala, Tripura.**2. Sri Subuj Miah,**S/o Sri Muklesh Miah, resident of Indiranagar, P.S Melaghar,
District-Sepahijala, Tripura.**3. Sri Sahajan Hossain,**S/o Sri Tajual Miah, Resident of Telkazla,
P.S. Melaghar, District- Sepahijala, Tripura.

...Accused persons.

V E R S U S**The State of Tripura**

.....Respondent(s).

For the Applicant/petitioner(s) : Mr. Sankar Lodh, Advocate.For the Respondent(s) : Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**O R D E R****06/07/2026**

Heard learned counsel of both sides.

2. The bail application has been filed for the accused persons, namely, Sri Amran Hossain, Sri Subuj Miah and Sri Sahajan Hossain, in connection with Belonia P.S. Case No. 2026/BLN/024, registered under Sections 61(2)(a)/331(4)/305(a)/307 of BNS and later on, provision of Section 111(3) of BNS was added.

3. The gravamen of the FIR is that during the span of seven days or so, covering the period from 22.04.2026 to 28.04.2026, several incidents of theft of cattle took place at South Sonaichari, Jharjhari Sankar Tilla and South Sonaichari Colony Para within Belonia P.S. and Belonia Sub-Division. Police started investigation and ultimately, arrested the accused, namely, Sri Amran Hossai and Sri Subuj Miah on 20.05.2026, and Sri Sahajan Hossain on 21.05.2026. All the said three accused persons were produced before the Court on 21.05.2026.

4. Learned counsel, Mr. Lodh for the petitioner submits that the accused persons were arrested merely on suspicion based on the tower location of their cell phones and not having any specific materials available against them. He also submits that the provision of Section 111(3) of BNS is not applicable in the present case in view of the explanation given to said provision that for continuing unlawful activity, more than one charge-sheet should be filed in the Court within a preceding period of 10 years against them. Learned counsel submits that there is no material placed by the police before the learned trial Court that more than one charge-sheet was submitted against any of them within the span of last 10 years.

5. It is also submitted by Mr. Lodh, learned counsel that if application of Section 111 of BNS is excluded, the maximum prescribed punishment for other offences are upto 10 years of imprisonment and in that case, the maximum period of detention during investigation can be 60 days.

6. Learned counsel further submits that for 46 days the accused persons are in custody and bail may be granted to them with any sort of condition.

7. Learned P.P. opposes the prayer, however, on query of the Court, he submits that except the report of tower location of cell phones of above said accused persons, no other materials are available in the case diary against them. On further asking, learned P.P. informs the Court that in the tower location their presence were located during the said period in different adjoining areas and not within those particular villages where the theft took place.

8. Taking note of the above said submissions and also the provisions of Section 111 BNS, it appears that the above said materials as indicated above, do not justify further detention of the accused persons in the custody. Accordingly, this Court is of the view that the bail application should be allowed.

9. It is, therefore, ordered that the accused persons, namely, **Sri Amran Hossain, Sri Subuj Miah and Sri Sahajan Hossain** may be released on bail on furnishing a bond of **Rs.50,000/-** (Rupees fifty thousand) only with one surety of like amount each, to the satisfaction of learned Elaka Magistrate, on condition that all the said three accused persons shall give their attendance at Belonia Police Station twice in a week for next 3(three) months or till the charge-sheet is submitted, whichever is later. They will not try to terrorize or influence any witness of the case and they will regularly attend the Court to face trial.

10. The bail application accordingly stands disposed of.

11. Communicate a copy of this order to the learned Elaka Magistrate immediately.

12. Return the C.D. with a copy of this order.

JUDGE