

**HIGH COURT OF TRIPURA
AGARTALA
BA No.76 of 2025**

Smt. Arati Sharma,
W/O- Paresh Sharma,
R/O- Mahesh Khala,
Mouja-Dukli, P.O.-Madhuban,
Dist.- West Tripura, PIN-799003.

---Applicant

On behalf of-

Sri Goutam Sharma,
S/O-Sri Paresh Sharma,
R/O- Maheshkhala, Das Para,
P.O.- Dukli, P.S.- Amtali, District- West Tripura.

---Accused Person

-Vs-

The State of Tripura

---Respondent

For Applicant(s)	:	Mr. Ratan Datta, Adv. Ms. Saswati Nag, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P. Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

23/09/2025

This bail application under Section 439 of Cr.P.C. is filed for granting bail to the accused-in-custody, namely, Goutam Sharma who is lodging in jail in connection with Amtali P.S. Case No.71 of 2023 under Sections 120B/366/342/328/376D of IPC corresponding to ST (Type-1) 26 of 2023.

Heard Learned Counsel, Mr. Ratan Datta along with Learned Counsel, Ms. Saswati Nag appearing on behalf of the accused-in-custody and also heard Learned P.P., Mr. Raju Datta along with

Learned Addl. P.P., Mr. Rajib Saha on behalf of the State - respondent.

Taking part in the hearing, Learned Counsel for the applicant drawn the attention of this Court that this accused is lodging in custody on and from 11.05.2023 but till today, in spite of issuing direction by this court, the trial could not be commenced and the prosecution could not adduce any of the witnesses of the charge-sheet to substantiate the charge levelled against the accused persons.

It is further submitted that by this time, charge has been framed by the Learned Trial Court against this accused and two others namely, Sudip Chettri and Jayanta Routh under Section 120B/366/342/376D of IPC and against another accused person Laxman Paul under Section 120B and under Section 225 of IPC by order dated 03.12.2024 and another accused Prasenjit Paul is still absconding. But unfortunately in spite of fixing 6 (six) calendars till today, prosecution could not adduce any of the witness to substantiate the charge against any of the accused persons and considering the long period of detention of the accused-in-custody Learned Counsel, Mr. R. Datta appearing for the accused person urged for releasing the accused on bail in any condition.

It was submitted that by this time excepting this accused and the absconding accused and other three accused persons have been granted bail. It was further submitted that the accused shall ensure his attendance before the Learned Trial Court on the dates fixed for hearing of this matter. So Learned Counsel urged for releasing the accused on bail in any condition.

On the other hand, Learned P.P. strongly opposed the bail application and submitted that this Court initially directed the Trial Court to complete the trial but as no progress was made. So, on the approach of the Learned Trial Court, this Court directed the Learned Trial Court to conclude the trial within a period of six months by order dated 15.05.2025 in B.A. No.37 of 2024(D/O) and which is likely to complete by the month of November, 2025. So, till conclusion of that period Learned P.P. submitted that at this stage considering the materials on record there is no scope to release the accused on bail.

Learned P.P. further submitted that this accused is the principal accused and there is sufficient incriminating evidence against him showing his implication with the alleged offence. So Learned P.P. opposed the bail petition submitted by the accused and urged for rejecting the bail application.

Opposing the submission of Learned P.P., Learned Counsel for the accused further submitted that within the extended period also, it would be difficult on the part of the prosecution to record evidence of 71 numbers of witnesses, since till today the prosecution could not adduce any witness in this case.

I have heard detailed submission of both the sides at length and also gone through the record of the Learned Trial Court and also perused the CD. It is on record that by Order 07.07.2025 this Court rejected the bail application of the accused granting bail to two other accused persons namely, Sudip Chettri and Jayanta Routh and another accused Laxman Paul was granted bail earlier

and in the meantime, another accused is still absconding and permanent warrant of arrest has already been issued against him.

It is also on record that, this present accused-in-custody made successive bail applications and in all the occasions this bail petition was rejected considering the incriminating materials on record. However, this Court in two occasions directed the Learned Trial Court to take immediate steps for expeditious disposal of this case and accordingly Learned Trial Court on six occasions fixed calendar for recording evidence of witnesses of the prosecution but surprisingly till today no witness could be produced by the prosecution in this case, the reason best known to the prosecution.

I have also perused the day to day orders passed by Learned Trial Court. It appears that, the Learned Trial Court although passed orders but did not take any effective steps to ensure production of witnesses of the prosecution in spite of order of this Court which shows careless attitude on the part of the Learned Trial Court to proceed with the trial of the case. However, this present accused is no doubt, the principal accused of this case and he is languishing in jail on and from 11.05.2023 and till the charge proved against him, there is no scope to say that he is guilty of the alleged charge. In spite of fixing 6 calendars prosecution could not adduce any witness till today in this case and for that the right of a person cannot be curtailed.

However, considering the long period of detention of the accused-in-custody, I am of the considered view to grant bail to the accused of his execution of bail bond of Rs.1,00,000/- with

two sureties of like amount who must be a public servant with the following terms and conditions:-

(i) That the accused shall appear before the Learned Trial Court on every Monday and Thursday till conclusion of trial.

(ii) The accused during the period of bail shall not make any attempt to contact with the victim or his family members by any means, even through electric mode also. The accused shall not make any attempt to tamper any witness of the prosecution failing which the prosecution shall be at liberty to approach to the Learned Trial Court for cancellation of bail granted to him.

(iii) That the accused shall not leave the jurisdiction of the Court without prior permission of the Court, in default the accused shall remain in J/C as before.

However, it is also made clear that the accused shall remain present before the Court on every successive dates of hearing. It is further ordered that, the Learned Trial Court shall take initiative to dispose of the case giving top priority on day-to-day basis and if within the extended period it is not possible to conclude the trial in that case Learned Trial Court may approach to this High Court for further extension of time.

Learned P.P. be asked to communicate the order of this Court to the Learned P.P. of the District Court to ensure that witnesses are in attendance on day-to-day basis subject to the order of the Court. S.P., West Tripura District shall ensure the production of the witnesses on the successive dates of hearing, to be fixed by the Learned Trial Court.

Send down the record to the Learned Trial Court along with a copy of this order.

Also, a copy of this order be communicated to the Learned Session Judge, West Tripura, Agartala for his information.

Send down the CD to I/O through Learned P.P. along with a copy of this order.

Also a copy of this order be communicated to Learned P.P. for intimation to Learned P.P. of the District Court.

A copy of this order also be supplied to Learned Counsel for the accused-applicant for information and compliance.

Also a copy of this order be communicated to the S.P. of the West Tripura District for information and strict compliance.

Learned Trial Court be further asked to communicate the next date of hearing of the case at the time of issuing summons upon the witnesses of the prosecution, as per calendar to SP of the district by sending copy of orders time to time.

With this observation, this present bail application stands disposed of.

सत्यमेव जयते

JUDGE

Amrita

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