

**HIGH COURT OF TRIPURA
AGARTALA**

A.B. No.71 of 2025

Sri Subir Chowdhury,
S/o-Sri Chanda Mohan Chowdhury,
Resident of Amtali, Pal Para,
P.O. Amtali, P.S. Amtali,
District: West Tripura, Pin-799003.

---- Accused applicant(s)

Versus

The State of Tripura, represented by the Secretary,
Department of Home, New Capital Complex,
Agartala, West Tripura.

----Respondent(s)

For Applicant(s)	:	Mr. Debalay Bhattacharya, Sr. Adv. Ms. Rashmi Bhattacharjee, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

25/09/2025

This pre-arrest bail application under Section 482 of BNSS, 2023 is filed for granting pre-arrest bail to the accused-applicant namely, Sri Subir Chowdhury in connection with Amtali PS case No.2025 AMT 081 under Section 69 of BNS, 2023.

Heard Learned Senior Counsel, Mr. Debalay Bhattacharya assisted by Learned Counsel, Ms. Rashmi Bhattacharjee appearing on behalf of the accused-applicant. Also heard Learned P.P., Mr. Raju Datta appearing on behalf of the State-respondent.

Today, Learned P.P. has produced the case diary. Also the record from the Learned Trial Court has been received.

At the time of hearing, Learned Senior Counsel for the accused-applicant first of all drawn the attention of this Court to the

contents of the F.I.R. and submitted that the accused-applicant is the relative of the victim and furthermore, the materials on record does not attract the allegation punishable under Section 69 of BNS, 2023. Learned Senior Counsel further submitted that the victim was not willing to undergo medical examination. So, considering the materials on record, Learned Senior Counsel urged to enlarge the present accused-applicant on pre-arrest bail in any condition.

In support of his contention, Learned Senior Counsel relied upon one case reference of the Calcutta High Court and also the Hon'ble Apex Court in respect of granting bail.

On the other hand, Learned P.P. for the respondent-State drawn the attention of this Court that in the case diary there are sufficient materials showing implication of the accused-applicant with the alleged offence and furthermore, referring the definition of Section 69 of BNS, 2023, Learned P.P. drawn the attention of this Court that the present case is squarely covered by the aforesaid provision of Section 69 of BNS, 2023. Learned P.P. further submitted that from the record nowhere it will be found that the present accused-applicant is the near relative of the victim and moreso, even if it is found that the victim is the relative of the present accused-applicant in that case how the accused-applicant has committed such a heinous offence. So, Learned P.P. strongly opposed the pre-arrest bail application filed by the accused-applicant and urged for rejection of the same.

I have heard both the sides and perused the record of the Learned Trial Court and also the case diary.

The prosecution was set into motion on the basis of an F.I.R. laid by the victim to O/C, Amtali PS alleging *inter alia* that since last 2020 she was in love relation with her neighbour, Sri Subir Chowdhury i.e. the accused-applicant herein. The wife of her elder brother namely, Smt. Sangita Sarkar is the maternal aunt of said Subir Chowdhury and for this reason, he often visited her house. Since last 2020, Sri Subir Chowdhury made love relation with her and on several occasions he involved in physical relation with her by giving false assurance of marriage. Furthermore, on being asked about fixing of date of marriage, the accused-applicant informed her that in the month of August, 2025, he along with his family members will call her family members to discuss about the date of marriage and on last 15.06.2025, at evening, when her family members were out of the home, the accused made physical relation with her giving false assurance of marriage. On 3rd August, 2025 she came to know from the neighbours that people from the side of one bride came to the house of the accused-applicant for fixing the date of marriage. After knowing that, when she tried to enter into the residence of the accused-applicant that time she was resisted by the family members of the accused-applicant and they refused to give the marriage of the present accused-applicant with the victim. After that, being asked by her, the accused-applicant also refused to marry her. Hence, she laid the F.I.R. and accordingly, on the basis of the F.I.R., the present case has been registered.

Now, for the sake of convenience, I would like to refer the relevant provision of Section 69 of BNS, 2023 which provides as under:

"69. Sexual intercourse by employing deceitful means, etc.- Whoever, by deceitful means or by making promise to marry to a woman without any intention of fulfilling the same, has sexual intercourse with her, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine."

I have also perused the case diary.

The I.O. by this time has recorded statements of some of the witnesses who are conversant with the facts and circumstance of this case. Also, the I.O. has arranged for recording judicial statement of the victim. However, considering the materials on record, it appears to this Court that this is not a fit case to grant pre-arrest bail to the accused-applicant at this stage because there are sufficient materials showing implication of the accused-applicant with the alleged offence punishable under Section 69 of BNS, 2023.

Accordingly, the instant anticipatory bail application filed by the accused-applicant stands rejected and thus disposed of.

Send down the record to the Learned Trial Court along with a copy of this order. Return back the Case Diary to I.O. through Learned P.P. along with a copy of this order.

JUDGE

Snigdha

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A DATTA

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