

**HIGH COURT OF TRIPURA****AGARTALA****BA No.84 of 2026****Smt. Dipa Deb,**

Wife of Dip Golap Das, resident of ONGC quarter complex, P.O. Amtali, P.S. Amtali, District – West Tripura, Pin-799014.

.....Petitioner(s);On behalf of :**Sri Dip Golap Das,**

S/o Late Gobinda Das, resident of ONGC quarter complex, P.O. Amtali, P.S. Amtali, District – West Tripura, Pin-799014.

..... Accused Person(s);

(The accused person being lodged in judicial custody, the present petition is preferred and presented by the wife of the accused person)

V E R S U S**The State of Tripura****.....Respondent(s);**

For Petitioner(s)

: Mr. Sankar Lodh, Advocate,
Mr. Kishalay Roy, Advocate.

For Respondent(s)

: Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**_O_R_D_E_R_****29/04/2026**

Heard learned counsel of both sides.

[2] The present bail application has been filed praying for grant of bail to Dip Golap Das in connection with Amtali PS case no. 2026 AMT 025, initially registered under Sections 126(2), 117(2), 308(2), 351(3), of BNS, 2023 and later on Sections 74 & 75 of BNS, 2023, Section 10 of the POCSO Act and Section 92 of Rights of Persons with Disabilities Act, 2016, were added.

[3] The allegations, in brief, as mentioned in the FIR, are that on the ground of giving a scratch mark on the vehicle of the accused, on

23.03.2026, the accused physically assaulted the victim severely by which she could have been killed. He also told the mother of the victim that if the gold chain of the victim was handed over to him, he would let the victim set free and would get his vehicle repaired for the said scratch mark after selling the gold chain. The accused was about to strangle the victim. Later, the accused took away the gold chain from the neck of the victim. The victim, thereafter, got treatment at TMC Hospital. The accused was arrested on 27.03.2026.

[4] Mr. Sankar Lodh, learned counsel for the petitioner, submits that there was 12 hour delay in lodging the FIR, giving a space for exaggeration of the incident in FIR by the informant just to harass the accused person. Learned counsel further submits that all the alleged offences, as indicated above, contains maximum punishment of imprisonment up to seven years, therefore, the law laid down by the Hon'ble Supreme Court in case of **Arnesh Kumar versus State of Bihar and another [(2014) 8 SCC 273]** is squarely applicable in this case. Learned counsel, Mr. Lodh, also submits that the accused is a regular employee of ONGC, Amtali, posted as Junior Fireman and has been in custody for about one month. Therefore, bail may be granted to him.

[5] Mr. Raju Datta, learned Public Prosecutor, by producing the case diary submits that there are prima facie materials against the accused person regarding the commission of the alleged offences, and therefore, the instant bail prayer may be rejected.

[6] The Court has perused the case diary. Some independent witnesses are found to have been examined by the Investigating Officer who

did not support the story of taking away the gold chain from the neck of the victim. Prima facie materials are there that the accused physically assaulted the victim and also touched her private part. However, it is admitted by both the sides that the maximum prescribed punishment for all the offences alleged in this case is either up to seven years of imprisonment or less than the same.

[7] The Court has also perused the check list submitted by the Investigating Officer before the learned Magistrate wherein he mentioned that the arrest was necessary because the accused might have concealed himself in an unknown place or might flee away to another state. It was also mentioned in the check list that, to prevent the accused from committing any further offences, he was required to be arrested. However, in this regard, no material is placed to support such contentions. The Court has also taken note of the maximum prescribed punishment for the alleged offences, the period of detention already undergone by the accused person and his employment status as employee of ONGC. Chance of his abscondence is lesser.

[8] Considering all these aspect, the bail prayer is allowed. It is ordered that the above said accused person may go on bail on furnishing a bond of Rs.50,000/- [Rupees fifty thousand] only with one surety of like amount to the satisfaction of the learned Special Judge (POCSO), West Tripura, Agartala, with the following conditions that:

- (a) the surety must be a solvent one;
- (b) the accused persons will not try to influence or terrorize any witness of the case;

(c) he will regularly attend the Court to face trial.

[9] With the above observations and directions, the instant bail application is disposed of.

Communicate a copy of this order forthwith to learned Special Judge (POCSO), West Tripura, Agartala.

Return the case diary to learned Public Prosecutor with copy of this order.

Also re-consign the trial Court record to learned Court below.

JUDGE



सत्यमेव जयते