

**HIGH COURT OF TRIPURA  
AGARTALA**

**Crl.Petn. No.25 of 2026**

**Hasan Chowdhury,**  
Son of Ajiulla Chowdhury,  
Resident of Khilpara, Amtali,  
P.S. R.K. Pur, District: Gomati Tripura

-----**Petitioner**

**-Vs-**

**The State of Tripura**

---**Respondent**

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For Petitioner(s) : Mr. Arjun Acharjee, Adv.  
For Respondent(s) : Mr. Raju Datta, P.P.

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**HON'BLE MR. JUSTICE BISWAJIT PALIT**

**Order**

**04/05/2026**

This petition under Section 528 is filed for quashing the order dated 24.02.2026 passed by Learned Sessions Judge, Gomati District, Udaipur in connection with Case NO.S.T.(T-1) 06 of 2026 arising out Women R.K. Pur P.S. Case No.44 of 2025.

Heard Learned Counsel Mr. A. Acharjee appearing on behalf of the accused in custody and also heard Learned P.P. appearing on behalf of the State-respondent.

Taking part in the hearing Learned Counsel for the petitioner drawn the attention of the Court that on the basis of an FIR laid by one Sakhen Miah, the aforesaid case was registered and in course of investigation the accused was taken into custody and was produced before the Court of Learned jurisdictional Magistrate and Learned CJM, Gomati District Udaipur on 27.01.2026 passed an order for granting interim bail in favour of the accused petitioner till 10.02.2026. Thereafter on 10.02.2026 the accused appeared before Learned CJM and on that day Learned CJM came to an observation that there was no adverse report against the

accused. So Learned CJM granted regular bail to the accused and committed the case to the Court of Sessions Judge, Gomati District, Udaipur and directed the accused to appear before the Court of Learned Sessions Judge on 24.02.2026. Accordingly on 24.02.2026 the accused appeared before the Learned Court and prayed for bail but surprisingly on that day the prosecution made an application for cancellation of the bail granted to the accused. But in this regard no prior notice was served upon the accused person by the prosecution even no scope was given to the accused to oppose the prayer of the I.O. rather the prosecution submitted a prayer against the accused.

Learned Counsel further submitted that Learned Sessions Judge without applying the procedure provided under Section 439(2) of the Cr.P.C. has cancelled the bail granted to the accused which is opposed to the principles of natural justice. So order needs to be set aside and accused may be released on bail to enable him to conduct his defence properly. It was further submitted that during investigation the accused was in custody for a period of more than 100 days and there is no evidence on record that he has violated the conditions of bail and furthermore till 10.02.2026 to 23.02.2026 the prosecution did not submit any prayer for cancellation of bail granted to the accused by Learned CJM. All on a sudden, the prosecution submitted a prayer on 24.02.2026 which is nothing but a manufactured application and by this time police also has submitted a separate PR under Section 107 of Cr.P.C. against the petitioner accused. In such a situation there was no scope on the part of Learned Sessions Judge to

cancel the bail granted to the accused. So Learned Counsel urged for allowing the application filed under Section 528 of Cr.P.C.

Learned P.P. appeared on behalf of the state-respondents submitted one affidavit. In the affidavit the contention of the petitioner was objected and it was submitted that Learned Sessions Judge rightly cancelled the bail granted to the accused.

I have heard both the sides at length and perused the relevant prosecution papers and the record of the Learned Trial Court. Admittedly this present petitioner accused was in custody for a considerable period during investigation. The allegation against the accused is no doubt grave. Learned CJM, Gomati District, Udaipur on 27.01.2026 came to the observation that the accused was in custody for more than 100 days, so Learned CJM granted bail to the accused till 10.02.2026 and on 10.02.2026 regular bail was granted to the accused on the ground that there was no adverse report against him and meanwhile I.O. submitted chargesheet, so the case was committed. But surprisingly on 24.02.2026, all on a sudden prosecution submitted a prayer to the Court for cancellation of bail but with effect from 10.02.2026 to 23.02.2026 no such prayer was submitted by the prosecution for cancellation of bail granted to the accused. Furthermore, no prior notice was supplied to the accused by Learned Sessions Judge. Even it appears that at the time of passing order Learned Sessions Judge came to the observation that the charge was grave and Learned CJM wrongly passed the order and furthermore without affording any opportunity to the petitioner accused to defend the application filed by the prosecution straightway cancelled the bail

granted to the accused which is in my considered view was not proper.

It is the settled position of law that grant of bail is always conditional and may be subject to cancellation if there is any supervening circumstances. Here in this case prosecution submits that after release on bail the accused threatened the vital witnesses and trying to flee outside the state. Learned Trial Court in the order referred one GD entry No.20 dated 23.02.2026 but that was also not supplied to the petitioner accused. Furthermore, Learned CJM when granted regular bail that time came to the observation that there was no adverse report from the side of the prosecution. Even as already stated from 10.02.2026 to 23.02.2026 there was no prayer from the side of the prosecution that the accused violated the conditions of bail. Furthermore there was no prayer by the I.O. for holding custody trial of the accused narrating that the accused may abscond if he is released on bail or he may tamper evidence or record of the prosecution. Thus it appears that the prosecution has come up with a different story. In this regard Hon'ble the Supreme Court of India in a case in **Phireram vs. State of Uttar Pradesh and Another** reported in **2025 SCC OnLine SC 1915** in para Nos.55 to 59 observed as under:

**"55. In P v. State of M.P. reported in (2022) 15 SCC 211 this Court held that the grant of bail is always conditional and may be subject to cancellation, if after the grant of the same there is any supervening circumstances that impedes fair trial.**

**"23. In a recent decision of a three-Judge Bench of this Court in Imran v. Mohd. Bhava [Imran v. Mohd. Bhava, (2022) 13 SCC 70] it has been held as follows:**

**"20. Indeed, it is a well-established principle that once bail has been granted it would require overwhelming circumstances for its cancellation. However, this Court in its judgment in Vipin Kumar Dhir v. State of Punjab [Vipin Kumar Dhir v. State of Punjab, (2021) 15 SCC 518] has also reiterated, that while conventionally, certain supervening circumstances impeding fair trial must develop after granting bail to an accused, for its**

**cancellation by a superior court, bail, can also be revoked by a superior court, when the previous court granting bail has ignored relevant material available on record, gravity of the offence or its societal impact.** It was thus observed :

'9. ... Conventionally, there can be supervening circumstances which may develop post the grant of bail and are non-conducive to fair trial, making it necessary to cancel the bail. This Court in *Dolat Ram v. State of Haryana* [*Dolat Ram v. State of Haryana*, (1995) 1 SCC 349:1995 SCC (Cri) 237] observed that:

"4. Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. **Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner.** The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial."

10. These principles have been reiterated time and again, more recently by a three-Judge Bench of this Court in *X v. State of Telangana* [*X v. State of Telangana*, (2018) 16 SCC 511 : (2020) 1 SCC (Cri) 902].

11. In addition to the caveat illustrated in the cited decision(s), bail can also be revoked where the court has considered irrelevant factors or has ignored relevant material available on record which renders the order granting bail legally untenable. The gravity of the offence, conduct of the accused and societal impact of an undue indulgence by Court when the investigation is at the threshold, are also amongst a few situations, where a Superior Court can interfere in an order of bail to prevent the miscarriage of justice and to bolster the administration of criminal justice system...'

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23. Thus, while considering cancellation of bail already granted by a lower court, would indeed require significant scrutiny at the instance of superior court, however, bail when granted can always be revoked if the relevant material on record, gravity of the offence or its societal impact have not been considered by the lower court. In such instances, where bail is granted in a mechanical manner, the order granting bail is liable to be set aside. Moreover, the decisions cited hereinabove, enumerate certain basic principles which must be borne in mind when deciding upon an application for grant of bail. Thus, while each case has its own unique factual matrix, which assumes a significant role in determination of bail matters, grant of bail must also be exercised by having regard to the abovementioned well-settled principles."

24. **As can be discerned from the above decisions, for cancelling bail once granted, the court must consider whether any supervening circumstances have arisen or the conduct of the accused post grant of bail demonstrates that it is no longer conducive to a fair trial to permit him to retain his freedom by enjoying the concession of bail during trial** [*Dolat Ram v. State of Haryana*, (1995) 1 SCC 349 : 1995 SCC (Cri) 237] . To put it differently, in ordinary circumstances, this Court would be loathe to interfere with an order passed by the court below granting bail but if such an order is found to be illegal or perverse or premised on material that is irrelevant, then such an order is susceptible to scrutiny and interference by the appellate court."

(Emphasis supplied)

56. This Court then summed up the principles or circumstance governing the cancellation of bail as under: -

"25. Some of the circumstances where bail granted to the accused under Section 439(1)CrPC can be cancelled are enumerated below:

(a) If he misuses his liberty by indulging in similar/other criminal activity;

(b) If he interferes with the course of investigation;

(c) If he attempts to tamper with the evidence;

(d) If he attempts to influence/threaten the witnesses;

(e) If he evades or attempts to evade court proceedings;

(f) If he indulges in activities which would hamper smooth investigation;

(g) If he is likely to flee from the country;

(h) If he attempts to make himself scarce by going underground and/or becoming unavailable to the investigating agency;

(i) If he attempts to place himself beyond the reach of his surety.

(j) If any facts may emerge after the grant of bail which are considered uncondusive to a fair trial.

We may clarify that the aforesaid list is only illustrative in nature and not exhaustive."

(Emphasis supplied)

57. The governing principle is that if the accused tampers with evidence, threatens witnesses, or attempts to subvert the trial, the indulgence of bail is to be withdrawn. It is a recognition that liberty is conditional, not absolute, and subject always to the larger interest of ensuring a fair trial. Considerations for cancellation of bail must always be on the basis of the well settled principles as discussed aforesaid. There cannot be any extraneous considerations involved that are unknown to the law of bails.

58. At the same time, emphasis has to be laid that cancellation of bail occupies a distinct space in the criminal justice machinery. Cancellation intervenes at the stage of violation, to prevent recurrence. In *State through Delhi Administration v. Sanjay Gandhi* reported in (1978) 2 SCC 411, this Court underscored that tampering with witnesses constitutes a cogent ground for cancellation, for the "opportunity of being on bail cannot be permitted to be abused for the purpose of thwarting the course of justice." Similarly, in *Raghubir Singh v. State of Bihar* reported in (1986) 4 SCC 481, it was reiterated that intimidation of witnesses is sufficient to revoke the liberty granted. It must be guided by the lodestar of preventing interference with witnesses that "strikes at the root of the rule of law."

59. Thus, the considerations that must weigh with the court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that might have occurred after granting relief to the accused, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner etc."

From the aforesaid observation of the Hon'ble Supreme Court further it appears that in the given case prosecution before the Court at the time of hearing could not place any materials justifying petition cancellation of bail or to uphold the order of the Learned Sessions Judge. So it appears to this Court that the order of the Learned Trial Court suffers from some infirmities for which the same needs to be interfered with.

Further, it also appears that on the same subject matter one PR is submitted by the police against the accused petitioner. Thus after going through the record it appears that the manner in which the Learned Sessions Judge had dealt with the matter was not in accordance with law. So the order dated 24.02.2026 delivered by Learned Sessions Judge, Gomati District, Udaipur is hereby set aside. The prayer filed by the petitioner-accused is allowed. The accused petitioner may be enlarged on bail of his execution of bond of Rs.1,00,000/- (one lakh) with two sureties of like amount out of which one must be a public servant with condition that till conclusion of trial the accused shall appear before the Learned Trial Court once in a week in default the accused shall remain in J/C as before with further condition in no case the accused shall tamper evidence on record of the prosecution. The bond shall be executed for the satisfaction of Learned Sessions Judge, Gomati District, Udaipur. However liberty is granted to the prosecution to file application for cancellation of bail if it appears that the accused has violated the conditions of bail in any manner.

With this observation, this present petition stands disposed of.

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

Supply a copy of this order to Learned Counsel for the petitioner for compliance.

Return back the CD to I.O. through Learned P.P. along with a copy of this order.

**JUDGE**