

**HIGH COURT OF TRIPURA
A G A R T A L A**

B.A. No.113 of 2025

The State of Tripura,

Represented by the Secretary to the Government of Tripura, Home Department, Agartala.

..... **Petitioner(s)**

- V e r s u s -

Sri Souvik Das,

S/o Sri Sajal Kanti Das, resident of Kamalpur, P.S. Kamalpur, District Dhalai Tripura.

.....**Respondent(s)**

For the Petitioner(s) : Mr. Raju Datta, P.P.
For the Respondent(s) : Mr. S. Lodh, Advocate.
Date of hearing : **12th February, 2026.**
Date of delivery of Judgment & Order : **26th March, 2026.**

Whether fit for reporting :

YES	NO
	√

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER

The prosecution by challenging the orders dated 08.09.2025, 23.09.2025 and 27.10.2025 passed by learned Addl. Sessions Judge, Kamalpur has sought for cancellation of bail of the present respondent Souvik Das.

[2] By order dated 08.09.2025, learned Addl. Sessions Judge initially granted interim bail to the respondent till 18.09.2025 in connection with Kamalpur PS case No.43 of 2025 registered under Sections 103(1)/238(a)/61(2)/318(2)/351(3) of BNS, 2023. Said order was passed in connection with Bail Application No.20 of 2025 filed under Section 483 of BNSS, 2023. Thereafter, the respondent on 18.09.2025, surrendered before the Court of learned SDJM, Kamalpur and on that day, his interim bail was further extended by learned SDJM directing him to appear before the Court of

learned Addl. Sessions Judge on 23.09.2025 on commitment of the case. On 23.09.2025, when the present respondent appeared before learned Addl. Sessions Judge, again the respondent applied for regular bail but learned Addl. Sessions Judge granted him interim bail till 27.10.2025. On 27.10.2025, also he was further released on interim bail till 29.11.2025. On 29.11.2025, when the respondent surrendered, his interim bail was extended till 04.01.2026 but on the previous day i.e. on 03.01.2026, the respondent has been again allowed to remain on previous bond till 16.01.2026. On his surrender on 16.01.2026, he was further released on interim bail till 29.01.2026. Meanwhile, the present petition for cancellation of bail has been filed by the prosecution.

[3] Before entering into merit of the matter, the Court is constrained to observe that the way learned Addl. Sessions Judge is repeatedly allowing him to remain on interim bail without giving any decision on his prayer for regular bail, is not proper at all. When in Bail Application No.20 of 2025, the petitioner prayed for bail under Section 483 of BNSS at pre-commitment stage, learned Addl. Sessions Judge ought to have decided the matter on merit whether he should be granted regular bail or not, and even thereafter also, on several occasions, learned Addl. Sessions Judge has been extending the period of interim bail as indicated above. The last order passed by the learned Addl. Sessions Judge which is challenged by the prosecution in this application is the order dated 27.10.2025 but thereafter also several orders have been passed by said learned Court granting him interim bail but those orders are not challenged in this petition.

[4] The wife of the deceased Ashish Ranjan Das namely, Smt. Ranubala Das lodged one ejahar at Kamalpur P.S. on 20.06.2025 alleging, inter alia, that on 16.06.2025 in the evening getting a phone call from one person, the deceased went to the brick kiln of the present respondent with some pieces of cucumber but ultimately, he did not return on that night. On the following day, when after search her husband could not be traced out, they lodged one missing entry in the police station and on 18.06.2025, the dead body of her husband was recovered from a riverlet called Lutmachara in floating condition. On the following day, i.e. on 19.06.2026, she identified the dead body to be of her husband and on the next day she lodged the FIR

against the present respondent and others. She also stated that there was dispute between her husband and father-in-law with the respondent as the respondent had cheated her father-in-law by taking some of his land on lease for ten years though it was verbally agreed between the parties that the lease deed would be for five years only but in the deed, the respondent got the period of lease mentioned as ten years by deceiving her father-in-law.

[5] Police after registration of the case as Kamalpur PS case No.43 of 2025 investigated the same and ultimately, laid the charge-sheet against the present respondent, the manager of his brick kiln namely Prasanta Das and others under Sections 103(1)/61(2)/238/238(a)/318(3)/351(3) of BNS praying for custody trial of all the accused persons. According to investigating officer, there is possibility of tampering of evidences by the accused persons and moreso, it was a cold blooded and pre-planned murder and it has shaken the conscience of the local people. It is also stated that the respondent being a brick field owner is having substantial financial power and influence and he may either directly or through his associates tamper with evidence, intimidate or cause harm to the victim's family and important witnesses.

[6] The result of the investigation as projected in the charge-sheet shows that it is a case of circumstantial evidence, having no eye witness of the occurrence. According to the investigating officer, the respondent was the principal conspirator of the offence as he had previous land dispute with the deceased's father concerning execution of a lease deed and less payment of the rent and therefore, he conspired with Prasanta Das, his manager to kill the deceased and therefore, he was brought to the brick kiln on the pretext of consuming liquor with accused Manoranjan Goon and another accused namely, Pranesh Banik, both of whom are hired killers. According to the prosecution, a part payment for the murder was also made by the respondent thereafter on 16.06.2025. On the fateful day, they arranged a liquor party in the brick kiln where other accused persons also joined but the respondent was not personally present there. His manger Prasanta Das also left the place after a point of time. Both Manoranjan Goon and Pranesh Banik came by an Alto vehicle in the scene of occurrence and remained present in the said liquor party. After Prasanta Das left the place, the driver and other labourer of the brick kiln (accused herein) also left the same. Then Manoranjan Goon mixed

some sleeping pills in the glass of the deceased which were brought by Pranesh Banik and thereafter, both Pranesh Banik and Manoranjan Goon killed him by throttling and thereafter, they left the dead body in Lutmachara by said alto vehicle.

[7] The investigating officer mainly based on the confessional statements made by the accused persons to the police during their interrogation and also the CDR and SDR of the telephone numbers of the accused persons to establish that the accused persons (except the present respondent) and the deceased were present in RKBI brick field on the night of incident and there were previous communications between them more frequently. According to the investigating officer, bank statement of respondent showed that on 17.06.2025, he transferred Rs.40,000/- to his manager, Prasanta Das which was used for making payment to hired killer.

[8] The investigating officer on 17.06.2025 also seized one pair of slipper, two pieces of cucumber from a bamboo made hut of said brick kiln and two pieces of glass, one bottle neck of foreign liquor, blood stain collected in two nos. of gauge cloth from the old office corridor of said brick kiln. On 18.06.2025, he seized empty mineral water bottle, used empty green coloured bottle (brand Campa), three nos. of used plastic disposable glass along with fingerprints available therein, from said brick kiln which indicates that prior to lodging of FIR on 20.06.2025 already these items were seized by the police.

[9] Mr. Raju Datta, learned P.P. submits that without considering prayer for custody trial of the accused persons, learned Addl. Sessions Judge has granted bail to the present respondent. Referring to the materials as came out during investigation, Mr. Datta, learned P.P. contends that despite having sufficient materials against the present accused person in the case diary, erroneously learned Addl. Sessions Judge has granted bail ignoring those materials. Learned P.P. also submits that the accused person has a history of absconding and he went to Guwahati just after the incident to evade arrest. Learned P.P. also contends that learned Addl. Sessions Judge has committed error by ignoring the settled principle of law that a regular bail cannot be granted for a limited period in the nature of interim bail. Learned P.P. continues to submit that it was a pre-planned murder which has shaken the

conscience of the people of that locality and moreover, the respondent is very influential and rich person and therefore, there is every possibility that he will influence the witnesses.

[10] Finally, Mr. Datta, learned P.P. relies on a decision of Hon'ble Supreme Court in case of **State of Karnataka vs. Sri Darshan Etc., 2025 SCC OnLine SC 1702** wherein at Paragraph No.22.1, it was observed by the Apex Court that the seriousness and heinous nature of the alleged offence is a significant factor for consideration, while evaluating a plea for cancellation of bail. At paragraph No.22.4.5, it was further observed that in offences punishable with life imprisonment or death, the bail court must be especially cautious and in serious offences, the gravity of the offence and its impact on society must weigh heavily with the court, and such cases must be considered with greater care and circumspection.

[11] Mr. S. Lodh, learned counsel, on the other hand, argues that the provision of Section 483 (3), BNSS under which the present bail application is filed is quite different from the provision of Section 528, BNSS and therefore, State cannot challenge the bail order passed by the learned Addl. Sessions Judge or by Magistrate in this forum. In support of his contention, he also relies on two decisions of Hon'ble Supreme Court in cases of **Bharatbhai Bhimabhai Bharwad vs. State of Gujarat and others, (2020) 18 SCC 693** and **Ashok Dhankad vs. State of NCT of Delhi and another, 2025 SCC OnLine SC 1690**. In **Bharatbhai Bhimabhai Bharwad (supra)**, at Paragraph No.9 it is observed that the consideration applicable for cancellation of bail and consideration for challenging the order granting of bail on the ground of arbitrary exercise of discretion are different. While considering the application for cancellation of bail, the Court ordinarily looks for some supervening circumstances like; tampering of evidence either during investigation or during trial, threatening of witness, likelihood of abscondence of the accused and delayed trial on that ground etc.; whereas, in an order challenging the grant of bail on the ground that it was granted illegally, the consideration is whether there was improper or arbitrary exercise of discretion in grant of bail. In **Ashok Dhankad (supra)**, at Paragraph No.19, it was also observed that an appeal against grant of bail cannot be considered to be on the same footing as an application for cancellation of bail and the Court concerned must not venture

into a threadbare analysis of the evidence adduced by prosecution. The merits of such evidence must not be adjudicated at the stage of bail. It was also observed that an order granting bail must reflect application of mind and assessment of the relevant factors for grant of bail that was elucidated by this Court and an appeal against grant of bail may be entertained by a superior Court on grounds such as perversity; illegality; inconsistency with law and relevant factors not been taken into consideration including gravity of the offence and impact of the crime. However, the Court may not take the conduct of an accused subsequent to the grant of bail into consideration while considering an appeal against the grant of such bail. Such grounds must be taken in an application for cancellation of bail.

[12] Mr. Lodh, learned counsel also submits that there is no prima facie materials that the death of the deceased was a homicidal death and therefore, it does not justify submission of charge-sheet under Section 103, BNS and moreover, there was no material collected against the present respondent to implicate him with such a grievous allegation. According to Mr. Lodh, learned counsel, said Prasanta Das, being the manager of the respondent, it was very usual for him to frequently talk with the respondent over phone and no exception can be taken for the same. Mr. Lodh, learned counsel, finally, contends that any confession made by an accused person before any Executive Magistrate or before the police officer has no evidential value. On these grounds, Mr. Lodh, learned counsel prays for rejecting the prayer of the prosecution.

[13] Hon'ble Supreme Court in ***Darshan's case*** has referred to another decision of the Hon'ble Apex Court in case of ***Prahlad Singh Bhati vs. NCT of Delhi, (2001) 4 SCC 280*** wherein the broad principle while dealing with the application for seeking bail was discussed, that while granting bail the Court is required to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction would entail, the character, behaviour, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused during trial, the reasonable apprehension of tampering with the witnesses and the larger interests of the public or State and similar other considerations. Hon'ble Supreme Court, in

this case also deals with the issue of annulment of the bail order and refers to some earlier decisions of the Apex Court wherein it was held that a bail order can be set aside even in the absence of post-bail misconduct if it is found to be unjustified, illegal, or perverse or that bail order was passed taking into consideration of irrelevant materials or it was granted mechanically and without application of mind to the material factors such as the gravity of the offence or antecedents of the accused.

[14] In the case in hand, one of the major factor is that no positive opinion was given by the autopsy surgeon regarding homicidal death of the accused person and though, the possibility of post mortem drowning could not be ruled out but the doctor could not specifically determine with certainty that it was not a case of anti mortem drowning. Benzodiazepine group of drug was found in the stomach and liver of the deceased and over dose of the same also, according to the Medical Officer, can cause death of a person. The investigating officer collected fingerprints from different items seized from the said brick kiln and got it compared with the specimen fingerprints of the accused persons but the forensic authority could not also come to any definite finding to connect the accused persons with those materials. The blood stain found in the said brick kiln also could not be matched with the blood group of the deceased. By way of soil test also matching could not be done between the soil collected from the said brick kiln and the soil seized from railing of Baralutma RCC bridge and back of the deceased. Though it is alleged that the respondent absconded after the incident but as it appears he was arrested on 20.06.2025 which means for one day he along with manager Prasanta went to Guwahati after the alleged incident and thereafter he duly returned to Kamalpur. Having taking into consideration of the totality of materials available in the record, it appears that learned Addl. Sessions Judge has committed no error in granting bail to the respondent though for interim periods.

[15] Nothing is placed in the record by the investigating officer that the respondent has any previous criminal record. He has his permanent residence within the jurisdiction of the learned Trial Court. Considering all these aspects, this Court does not find any infirmity in the order of the learned Court below in granting bail to the respondent.

