

**HIGH COURT OF TRIPURA  
AGARTALA**

BA 80/2021

Smt. Mira Rani Das on behalf of accd. Sri Prasenjit Das  
-----Petitioner(s)

Versus

State of Tripura  
-----Respondent(s)

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For Petitioner(s)	:	Mr. P. Sen Choudhury, Advocate
For Respondent(s)	:	Mr. Ratan Datta, PP Mr. S. Debnath, Addl. PP

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**HON'BLE MR. JUSTICE ARINDAM LODH**  
**Order**

**18/10/2021**

Heard Mr. P. Sen Choudhury, learned counsel appearing for the petitioner as well as Mr. Ratan Datta, learned PP assisted by Mr. S. Debnath, learned Additional PP appearing for the State-respondent.

This is an application filed under section 439 Cr.P.C. for granting bail to the accused, Prasenjit Das, in connection with West Agartala Women PS case no. 2021 WAW 060 registered under sections 363/34 of the IPC with added Sections 366A/376(g) IPC and Section 4 of the POCSO Act, 2012, who has been in custody for more than 71 days.

The allegation is that the victim girl was kidnapped about 10/10.30 am from Joynagar bus-stand, a very busy area of Agartala city by the accused Prasenjit Das. Both the girl and the accused had lived together for two days. Thereafter, the girl was recovered. The father of the victim girl lodged the complaint against the accused Prasenjit Das.

Investigation was carried out. The accused was arrested. The investigating officer had recorded the statement of the witnesses under section 161 Cr.P.C.. The statement of the victim girl was also recorded under Section 164(5) Cr.P.C.

I have perused the case diary as submitted by learned Public Prosecutor.

I have considered the submission of learned counsel appearing for the parties.

At the very outset, the complaint about kidnapping the girl seems to be hard to digest. In the morning at about 10/10.30 am, the victim was allegedly kidnapped from the place like Joynagar bus-stand, a busy area of Agartala city, does not appear to be much convincing. The victim did not raise any alarm though the place of the alleged abduction was very crowded.

I have also perused the medical report from which I find that her hymen was found to be ruptured, but, the doctor did not opine as to whether it was old or recent. No other injury is detected in her body.

Only ground to be considered in this case, in my opinion, is that, the girl is below 18 years, as it appears *prima facie*. If the girl is found to be below 18 years, then, the court of trial will definitely look into it, but, at this stage it is the question of granting bail or not.

In my opinion, after 72 days in custody when investigation has been completed, further detention of the accused person is unwarranted. This is not the stage of imposing punishment, but, to consider his right to bail.

Since the investigation has been completed, as submitted by learned PP, and considering the period of detention of the accused person i.e. more than 72 days, I am inclined to release the accused person on bail.

Accordingly, the accused, Prasenjit Das shall be released on bail on furnishing a bond of Rs. 50,000/- with one surety of the like amount to the satisfaction of the learned Special Judge (POCSO), West Tripura, Agartala. However, following conditions have been imposed upon the accused:

- (i) The accused shall not leave the jurisdiction of the court of learned Special Judge (POCSO), West Tripura, Agartala for the next 6 months;
- (ii) The accused shall appear before the investigating officer once in a week for the next 4 weeks;
- (iii) The accused shall co-operate with the investigating agency in all respects.

With this observation and direction, the instant application stands allowed and disposed of.

Return back the case diary.

**JUDGE**



सत्यमेव जयते