

**HIGH COURT OF TRIPURA  
AGARTALA**

**B.A. No. 41 of 2022**

*Smt. Kalpana Malakar on behalf of Custody Accused Person Shri Litan Malakar*

*.....Petitioner(s)*

*Versus*

*The State of Tripura*

*.....Respondent(s)*

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For Petitioner(s) : Mr. J. Bhattacharjee, Adv.  
Mr. Sajib Ghosh, Adv.

For Respondent(s) : Mr. R. Datta, P.P.  
Mr. S. Debnath, Addl. P.P.

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**HON'BLE MR. JUSTICE S.G. CHATTOPADHYAY**

**Order**

**25/10/2022**

This is an application under section 439 of the Code of Criminal Procedure for granting bail to accused Litan Malakar who has been arrested by the investigation agency on 16.09.2022 in connection with Amtali PS case No.2022 AMT 131 registered under sections 457 and 380 IPC on the basis of the FIR lodged by one Sanjib Acharjee with the officer in charge of Amtali police station on 21.08.2022.

**[2]** The first informant alleged in his written FIR that on 21.08.2022 at about 11 am, he came to know that his tenant Binode Kumar Misra along with some unknown miscreants broke open the doors of his room and they had stolen his laptop and jewellery in his absence at home.

**[3]** In the course of investigation, police arrested the present accused and produced him before court on 16.09.2022. Since then he has been undergoing detention in custody. His successive bail applications were rejected by learned Chief Judicial Magistrate as well as by the Sessions Court.

**[4]** Heard Mr. J. Bhattacharjee, learned advocate appearing for the petitioner along with Mr. Sajib Ghosh, learned advocate. Also heard Mr. R. Datta, learned P.P. appearing for the State respondent along with Mr. S. Debnath, learned Addl. P.P.

**[5]** Counsel of the accused submits that nothing has been recovered from the possession of the accused and the informant did not even name the accused in his written FIR. Counsel contends that he has been arrested only on the basis of unfounded suspicion and even during his 5 days' police remand, the investigating agency could not elicit anything to justify the detention of the accused. Counsel contends that accused has been suffering from pre-trial detention for no fault to him. Learned counsel, therefore, urges the Court for granting bail to the accused.

**[6]** Mr. R. Datta, learned P.P. vehemently opposes the bail application and contends that accused has past criminal antecedents and moreover, his associates are yet to be brought to book. Counsel submits that his release is likely to obstruct a fair investigation of the case. Counsel, therefore, urges the Court to reject his bail application.

**[7]** Considered the submissions of learned counsel representing the parties. Perused the case diary which has been produced before the Court by learned P.P.

**[8]** It is true that the present accused is not named in the FIR and his arrest has been made merely on suspicion. No stolen article has yet been recovered either from his possession or from anywhere else. He has already suffered detention for more than 40 days and no iota of evidence could be gathered against him. In these circumstances, it would be appropriate to grant bail to the accused. Accused may go on bail on his furnishing bail bond of a sum of Rs.25,000/- (Rupees twenty five thousand) with one surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, West Tripura, Agartala on condition that he will appear before the investigating officer as and when required.

**[9]** In terms of the above, the bail application stands disposed of. Return the case diary to learned P.P.

**JUDGE**