

**HIGH COURT OF TRIPURA  
AGARTALA  
AB No.55 of 2024**

Siddhartha Ghosh		-----Applicant(s)
	Versus	
The State of Tripura		-----Respondent(s)

For Applicant(s)	:	Mr. A. Bhaumik, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P., Mr. S. Ghosh, Addl. P.P.

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

**25/10/2024**

Learned Counsel, Mr. A. Bhaumik is present for the applicant and Learned P.P., Mr. Raju Datta along with Learned Addl. P.P., Mr. S. Ghosh are present on behalf of the State-respondent.

In pursuance of the earlier order dated 18.10.2024, Learned P.P. has produced this Case Diary.

This pre-arrest bail application is filed under Section 438 of Cr.P.C. for allowing the petitioner to go on bail in connection with Airport PS case No.50 of 2023.

In course of hearing of argument, Learned Counsel for the petitioner first of all drawn the attention of the Court that this present case has been registered in the year 2023 and by this time almost all the accused persons have been released on bail excepting this present petitioner. This petitioner was acted on good faith on behalf of the purchaser and he drafted the alleged deed in question and identified on the basis of documents produced by the executant and based on good faith, he has performed the job and there is no allegation that as a deed writer for a considerable long period, he has earlier committed any such type of offence and if at this stage, he is taken into custody and is

sent to jail for investigation, in that case, his entire career would be spoiled and his professional career would be seriously prejudiced. It was further submitted by Learned Counsel that the section on the basis of which this case has been registered against the present petitioner in no way attracts his involvement with the alleged offence. Meanwhile, the IO has completed the maximum part of investigation. So, his detention is not at all required at this stage for the sake of investigation. So, Learned Counsel in summing up urged for releasing him on pre-arrest bail in any condition.

On the other hand, Learned P.P., Mr. Raju Datta assisted by Learned Addl. P.P., Mr. S. Ghosh strongly objected the submission made by Learned Counsel and submitted that this present petitioner is the main accused who conspired the entire episode. He not only drafted the alleged sale deed but also identified the executant of the second deed knowing the same to be a fake person and furthermore, he has not come before the Court with clean hands and suppressed the fact of another application pending before the Court of Learned Sessions Judge, West Tripura, Agartala and Learned P.P. also submitted that if he is released on bail then the investigation of the case will be tampered. So, for the sake of investigation, this application for bail be rejected.

I have heard both the sides at length and perused the record of the Learned Court below and also gone through the Case Diary produced by the IO through Learned P.P.

It is the admitted position that a civil dispute is going on amongst the rival parties.

The allegation in the FIR laid by the informant, was that, the complainant and his wife purchased the suit land in lieu of consideration money from one Smt. Sharmila Banerjee and started possessing the same. Later on, one day the accused Gita Rani Das associated by the other accused persons forcefully tried to disposses them from the suit land stating that the original executant has executed a sale deed in her favour. So, she is the lawful owner of the suit land. Accordingly, the informant enquired the matter and could know that after the purchase of the suit land by him and his wife somehow the principle accused Gita Rani Ghosh along with others have managed to procure another sale deed showing false personification of original executant Sharmila Banerjee but said Sharmila Banerjee after the execution of the deed in favour of the informant never came to Agartala nor made any second deed in favour of any persons and on the basis of that, this present case is registered.

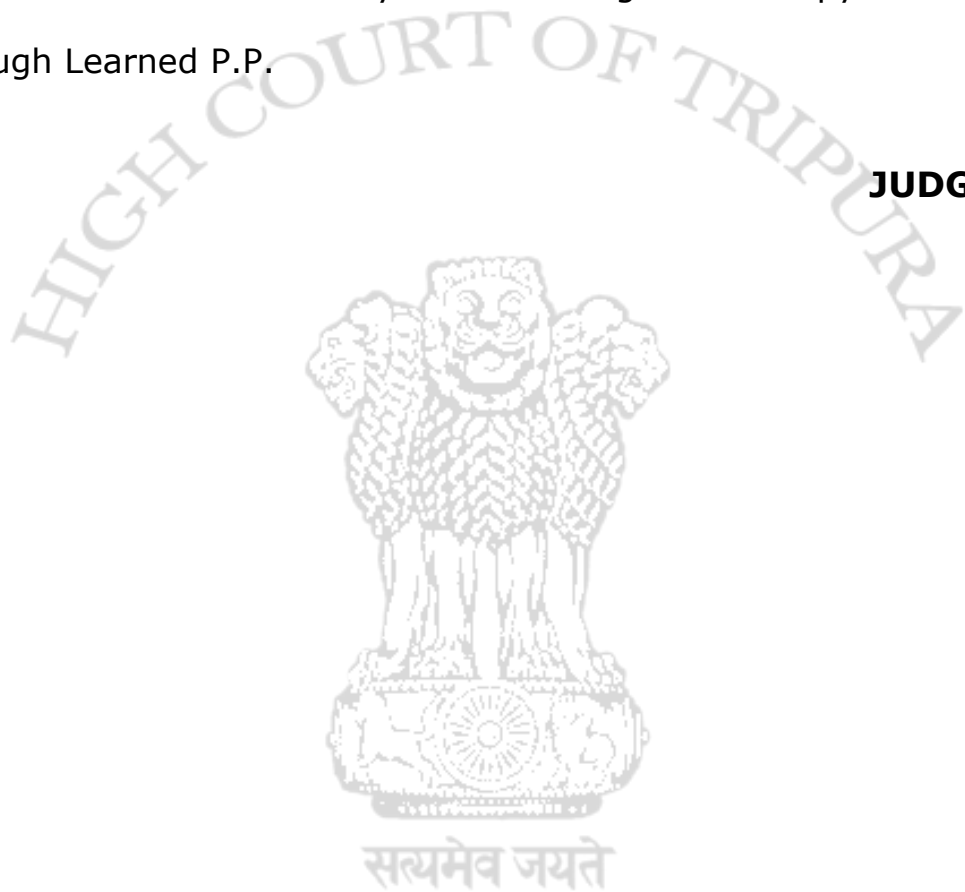
The investigation of the case is in progress. It is on record that the principle accused and other have already been granted bail. It is also on record that by this time this present petitioner approached before the learned Sessions Court twice for granting pre-arrest bail that was rejected by the Learned Sessions Court and there is evidence on record that at the instance of this present petitioner, the subsequent deed was prepared and he identified a person who was not the original executant who initially sold the suit land to the informant of the case.

So, situated thus considering the materials on record, the prima facie involvement of the accused petitioner cannot be ruled out at this stage. So, I think for the sake of proper investigation, the I.O. should be given the liberty to investigate the case

properly to unearth the truth. So, considering the materials on record at this stage, I do not find any scope to consider the pre-arrest bail application filed by the petitioner and the same is accordingly stands dismissed being devoid of merit. Thus, the bail application stands disposed of.

Send back the LCR along with a copy of this order and also return back the Case Diary to I.O. along with a copy of this order through Learned P.P.

**JUDGE**



**MOUMITA  
DATTA**

*Deepshikha*

Digitally signed by MOUMITA DATTA  
Date: 2024.10.25 16:45:36 +05'30'