

**HIGH COURT OF TRIPURA
AGARTALA
B.A.No.50 of 2025**

Toayaid Ali, (51 years)
S/o. Ahmed Ali, of vill.-Maguruli,
P.O.: Irani, P.S.: Irani, District-Unakoti, Tripura.

-----Accused Applicant(s)

Versus

The State of Tripura

-----Respondent(s)

| | | |
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| For Applicant(s) | : | Ms. Saswati Nag, Adv. Mr. Aditya Baidya, Adv. |
| For Respondent(s) | : | Mr. Raju Datta, P.P. |

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

30/06/2025

This bail application under Section 483 of BNSS, 2023 is filed for granting bail to the accused person in custody namely, Toayaid Ali in connection with Irani PS case No.13 of 2025 registered under Section 3 of Passport (Entry into India) Act, 1920, Section 249 of BNS, 2023 and Section 14(A)(C) of the Foreigners Act, 1946.

Heard Learned Counsel, Ms. Saswati Nag appearing on behalf of the accused in custody. Also heard Learned P.P., Mr. Raju Datta appearing on behalf of the State-respondent.

As ordered earlier, Learned P.P. has produced the case diary today.

At the time of hearing, Learned Counsel for the accused in custody submitted that the accused is an Indian national and he has submitted all his relevant documents before the Court. He went to Bangladesh with valid passport and on the day he returned back, he was taken into custody and produced before the Court on 31.05.2025 and since then he is lodging in jail. Learned Counsel for the accused in custody further

submitted that although the case is registered under Section 3 of the Passport (Entry into India) Act, 1920 with Section 14(A)(C) of the Foreigners Act, 1946 and also under Section 249 of BNS, 2023 but the provision under Passport (Entry into India) Act, 1920 and the Foreigners Act, 1946 are not applicable against the present accused in custody and Section 249 of BNS, 2023 which deals with harboring of offender is also bailable in nature. Furthermore, the prosecution before the Court till today could not place any materials showing justification of further detention of the accused in custody. So, Learned Counsel, Ms. Nag urged this Court for releasing the accused on bail in any condition.

On the other hand, Learned P.P. opposed the bail application and submitted that the accused in custody is indulging and assisting foreign nationals to take shelter in India and he is a habitual offender and if at this stage he is released on bail he will tamper the evidence on record of the prosecution. So, Learned P.P. urged for rejection of this bail application.

Considered.

It appears that the present accused in custody was arrested and produced on 31.05.2025 before the Learned Trial Court with the allegation that he is an Indian tout and on several occasions he brought Bangladeshi nationals into India without valid passport in exchange of money. Learned Jurisdictional Magistrate rejected his bail application. The accused in custody also went to Learned Sessions Court but his bail application was also disallowed by Learned Sessions Court.

I have perused the case diary and also the materials so far collected by the I.O. up to this stage of investigation.

On bare perusal of the case diary it appears that on different occasions the accused in custody assisted the Bangladeshi Nationals to take shelter in India. However, there is no evidence on record that he was earlier convicted in any case. As the investigation of this case is in progress so, at

this stage there is no scope to say that the accused in custody is totally innocent.

Further, considering the materials on record it appears that the I.O. has got sufficient scope to investigate the case. So, considering the period of this detention in custody, the accused person may be released on bail of his execution of a bond of Rs.50,000/- with one surety of like amount, who must be a public servant to the satisfaction of Learned Judicial Magistrate 1st Class, Kailashahar, Unakoti District with the following terms and conditions:

- i. The accused shall attend the I.O. once on Monday and Thursday till completion of investigation.
- ii. The accused shall not leave the jurisdiction of the concerned Court without prior permission.
- iii. The accused shall not make any attempt to tamper the evidence of the prosecution, failing which the I.O. shall be at liberty to approach to the competent Court for cancellation of his bail i.d. to remain in J/C as before.

With the above observation, the instant bail application stands allowed and disposed of.

Send down the record of the Learned Court below along with a copy of this order. Send down the CD to I.O. through Learned P.P. along with a copy of this order. Also a copy of this order be supplied to Learned Counsel for the accused in custody free of cost.

JUDGE