

(2025) 06 TP CK 0380
In the Tripura High Court
Case No : Bail Application No. 46 Of 2025

Rinku Das

APPELLANT

Vs

State Of Tripura

RESPONDENT

Date of Decision : 30-06-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 482
Bharatiya Nyaya Sanhita, 2023 — Section 65(2), 115(2)
Protection Of Children From Sexual Offences Act, 2012 — Section 6

Citation : (2025) 06 TP CK 0380

Bench : Single Bench

Advocate : Biswajit Palit, J

Final Decision : Allowed

Judgement

Biswajit Palit, J

[01] This bail application under Section 482 of BNSS is filed for releasing of the accused in custody namely Ranjan Das who is lodging in jail in connection with Kakraban P.S. Case No.03/2025 corresponding to Special(POCSO)06/2025 under Section 65(2)/115(2)BNS and read with Section 6 of the POCSO Act.

[02] Heard Learned Senior counsel, Mr. Debalay Bhattacharjee assisted by Mr. Samar Das, Learned counsel appearing on behalf of the accused in custody. Also heard Learned P.P., Mr. R. Datta appearing on behalf of the State-respondent.

[03] At the time of hearing, Learned Senior counsel appearing on behalf of the accused in custody submitted that the accused is in custody almost for last six months and by this time, IO has laid charge-sheet and already three calendars have been fixed but the evidence of the witnesses could not be recorded. Furthermore, considering the medical evidence on record there is no scope to impose punishment upon the accused petitioner so, Learned Senior counsel urged for releasing the accused on bail in any condition.

[04] On the other hand, Learned P.P. appearing on behalf of the State-

respondent submitted that the victim is minor in this case. Her statement recorded by the IO and also her statement recorded by the Learned Magistrate corroborates each other and finally, the victim is the near relative of the accused in custody and if at this stage he is released on bail definitely he will influence the witnesses of the prosecution and the trial would be vitiated. So, Learned P.P. opposed the bail application.

Considered.

[05] In this case the prosecution was set into motion on the basis of an FIR laid by one Nidhu Das to O/C Kakraban P.S. alleging inter alia that On 02.01.2025 at her residence the funeral ceremony of the deceased sister of her mother in law took place and in that occasion her brother in law from the side of aunt in law i.e. the alleged accused came to their residence. And after completion of her funeral ceremony on 04.01.2025 one get together program was arranged by accused who also brought one sound box. They prepared food and accused also took his food and after playing the sound box he went to the house of the northern side. At that time her minor daughter [name withheld] 11 years 11 months 29 days was sleeping. At about 3 p.m. her sister in law Sima Das(De) when entered in the house that time she found that the accused run away with half naked condition. She also found that her daughter was crying with heavy pain in the bed. On being asked she stated that at after noon said accused pressed her mouth by pressing pillow and the accused also torn the frock and fulfill his brutal lust. Hence, she laid the FIR.

[06] On the basis of the FIR the case was registered and the IO after completion of investigation has laid charge-sheet against the accused. The petitioner accused is lodging in custody on and from 06.01.2025. In this case, formal charge is framed under Section 65(2) of BNS, 2020 and also under Section 6 of the POCSO Act and the case was posted for evidence of the PWs but in spite of fixing dates on 23.04.2025, 17.05.2025, 13.06.2025 prosecution could not produce any witness in this case.

[07] I have also seen the medical examination report of the victim and also the report of SFSL. Also perused the citation referred by Learned counsel for the petitioner accused of Hon'ble High Court of Allahabad in Heera versus State of U.P. dated 21.08.2024 wherein in para No.24 the said High Court observed as under :

"24. We have given our thoughtful consideration to the evidence on record as has been discussed in the preceding paragraph and also the arguments submitted by the learned counsel for the parties. We find that the statements of witnesses of fact as well as the victim do not corroborate with the medical evidence. The medical examination of the victim was conducted within six and a half hours. The specific case of the prosecution is that sexual assault was committed upon the victim. In our assessment at the tender age of six years if the victim is subjected to rape some sort of injury is bound to occur and be reflected in the medical

papers or the testimony of doctor. The fact that neither any redishness was seen nor any swelling was noticed by the doctor in the private part of the victim and her hymen was found intact, coupled with the fact that there are contradictions in the manner in which the offence was observed by the witnesses, we are of the considered opinion that the prosecution has failed to prove the charges of rape levelled against him and accused is entitled to benefit of doubt.”

[08] Here in the case at hand the trial is commenced. The evidence of the victim and other witnesses could not be recorded till date. However, considering the material evidence on record and also the period of detention of the accused in custody I am inclined the release the accused petitioner on bail of his execution of bond of Rs.1,00,000/-(one lakh) with one surety of like amount with the following terms and conditions, failing which he shall remain in J/C as before :

(1) That the accused shall attend Court till conclusion of trial twice in a week i.e. on every Monday and Saturday.

(2) The accused shall not make any attempt to influence the witnesses of the prosecution during the period of bail nor he shall make any contact with the informant or his family members during that period.

(3) In case of violation, the prosecution shall be at liberty to approach to the concerned Court for cancellation of bail granted to the accused to the Court of Learned jurisdictional Court who shall be at liberty to hear the matter and to dispose of the same on merit. However, for relaxation of the conditions of bail in future regarding attendance, the Learned Special Court would be at liberty to pass appropriate order in accordance with law in due course of time, after hearing.

(4) The accused shall not leave the jurisdiction of the Court without any prior permission from the concerned Court.

Send down the trial Court record along with a copy of this order. A copy of this order also be supplied to Learned Senior counsel, Mr. D. Bhattacharya for the petitioner for information and necessary action and return back the CD to IO through Learned P.P. along with a copy of this order.

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