

HIGH COURT OF TRIPURA
AGARTALA

AB 89 OF 2025

Dr. Partha Bhattacharya (Age 64 years),
S/o Lt. Sudhir Chandra Bhattacharya,
R/o H.G.B. Road, Basanti Ausadhalaya,
P.O. H.P.O., P.S. West Agartala,
Dist. West Tripura, Pin 799001.

--- Applicant/Petitioner.

Versus

The State of Tripura

--- Respondent.

BEFORE
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

For the Applicant/Petitioner : Mr. Samrat Kar Bhowmik, Sr. Advocate.
Mr. E.L. Darlong, Advocate.
Mr. N. Das, Advocate.
Mr. N. Debnath, Advocate.

For the Respondent : Mr. Raju Datta, P.P.

Date of hearing : 05.12.2025.

Date of delivery of
Judgment & Order : 05.01.2026

Whether fit for reporting :

YES	NO
✓	

JUDGMENT AND ORDER

This application for pre-arrest bail is submitted by accused Dr. Partha Bhattacharjee, in connection with East Agartala P.S. Case No.116/2025, registered under Sections 108/318(4) of BNS, 2023 and subsequently added with Section 316(5) of BNS, 2023.

2. One Smt. Shyamasri Saha, W/o Dipak Saha lodged an ejahar on 16.10.2025 before the O.C., East Agartala P.S. alleging that on 12.10.2025 her husband committed suicide for not getting back Rs.2,50,00,000/- [Rupees Two Crores Fifty Lakhs only] from the accused-petitioner [here-in-after

referred to as the 'petitioner'], who is the proprietor of 'Basanti Ausadhalaya'. It is further alleged that during the life time of her husband since the said money was not returned to him, her husband several times communicated with the petitioner but he did not pick up the phone call of the deceased and was rather avoiding him. She has also alleged that by committing fraud upon her husband for the purpose of starting a Hospital, he took the said amount from her husband and due to cheating of the petitioner, her husband committed suicide.

3. The petitioner submitted a pre-arrest bail application before the learned Additional Sessions Judge, West Tripura, Agartala, which was turned down.

4. Learned senior counsel, Mr. S. Kar Bhowmik, at the time of hearing refers to different terms and conditions of the written agreement entered into between the deceased and the petitioner and submits that in terms of said agreement, the petitioner, after taking money from the deceased, deposited the same at Union Bank to clear up his previous loan, and accordingly, he also collected a Loan Clearance Certificate, and actually, he received Rs.1,00,00,000- [for short, 1.00 Crore] from the deceased in terms of said agreement and not Rs.2.50 Crores as alleged by the informant. Learned senior counsel also submits that there is no whisper in the FIR about any sort of abetment committed by the petitioner compelling the deceased to commit suicide. He is a 64-year-old and a reputed doctor of the township, and there is no possibility of his fleeing away. Learned senior counsel further submits that though the police authority has continued the investigation under both Sections 318(4) and 316(5) of BNS, 2023, but both the provisions cannot coexist.

Learned senior counsel relies on some decisions of the Hon'ble Supreme Court, which will be discussed in relevant paragraphs.

5. Learned senior counsel also prayed for interim bail of the petitioner till disposal of the bail application to which learned P.P. opposed the said prayer and submitted that in Section 482 of BNS,2023 no such provision of granting interim bail was made available and therefore, the Court has no jurisdiction to grant any such interim relief. This Court, however, pending the decision on that point, directed the investigating officer not to take any coercive action against the petitioner till disposal of the petition.

6. On the merit of the petition, learned P.P. submits that in fact when the petitioner entered into an agreement with the deceased, the building permission of the petitioner, issued on 17.04.2012, was already expired just after three years therefrom, but knowing fully well the same, he suppressed the said fact to the deceased and collected huge amount from him alluring to enter into such a contract with him. According to learned P.P., all these things were done by the petitioner only with a criminal *mens rea* to cheat the deceased and moreover, as per land record, the land was 'bastu class' of land which cannot be used for commercial purpose and above all, he took Rs.1.00 Crore from the deceased to clear up his bank dues despite the fact that such dues was much less than the said amount. Learned P.P. refers to some relevant pages of the case diary and further relies on some other decisions which will also be discussed in the relevant paragraphs.

7. Before entering into the merit of the bail application, the issue as raised by the learned P.P. about the authority of the Court in regard to granting of interim protection is being addressed first. In this regard, learned senior

counsel, Mr. Kar Bhowmik relies on a decision of Constitution Bench of the Hon'ble Supreme Court in the case of *Gurbaksh Singh Sibbia & Ors. vs. State of Punjab*, (1980) 2 SCC 565. Mr. Kar Bhowmik, learned senior counsel further relies on a decision of Hon'ble Supreme Court in the case of *Siddaraman Satlingappa Mhetre vs. State of Maharashtra & Ors.*, (2011) 1 SCC 694, wherein the decision of *Gurbaksh Singh* (supra) was also reiterated.

8. Learned P.P. relies on a decision of Hon'ble Supreme Court in the case of *Pampapathy & Anr. vs. State of Mysore*, AIR 1967 SC 286, wherein, it is held that inherent power of the High Court mentioned in Section 561-A CrPC can be exercised only for either of the three purposes specifically mentioned in that section. The inherent power cannot be invoked in respect of any matter covered by specific provisions of the Code or if it is exercised it would be inconsistent with any specific provision of the CrPC.

9. Learned P.P. also relies on a decision in the case of *My Palace Mutually Aided Co-operative Society vs. B. Mahesh & Ors.*, (2022) 19 SCC 806, wherein, the Hon'ble Supreme Court at Para 28 observes that- 151 CPC can be applicable if there is no alternative remedy available in accordance with the existing provisions of law and such inherent power cannot override statutory provisions or create remedies which are not contemplated under the Code. Both the decisions as referred by learned P.P. are in the matter of exercise of inherent power by the Court either in criminal or in civil jurisdiction.

10. An important question is posed by Ld. P.P. by raising a challenge that in BNSS, there is no provision of granting any interim protection to the accused person pending the hearing of the bail application and therefore, the

Court cannot grant any such interim protection to the petitioner asking the police not to arrest the petitioner till disposal of the bail application.

11. Ld. Sr. Counsel, Mr. Kar Bhowmik, however, strongly opposes the contention. According to him, such power of granting the interim protection is inbuilt in the provision itself. Where the Court can grant the pre-arrest or regular bail, the court can also grant interim bail. Ld. Sr. Counsel also relies on *Gurbaksh Singh Sibbia* (*supra*) in support of his contention. According to him, prior to the amendment of the provision of section 438, CrPC by amending Act of 2005, Hon'ble Supreme Court passed the judgment in said *Gurbaksh Singh Sibbia's* case.

12. While delving into this issue, the history behind legislation of such provision of pre-arrest bail in the previous code requires a relook. A snapshot of such history is adverted in the 203rd report of Law Commission of India.

13. The earlier code i.e. the Code of Criminal Procedure, 1898 did not contain any specific provision of granting pre-arrest bail by the Court. But the necessities for granting such bail was felt, for, it was sometimes experienced that influential persons tried to implicate their rivals in false causes for humiliating them and to send them behind the bar.

14. The provision of section 438 of the CrPC was brought into process of legislation on the recommendation of 41st Report of the Law Commission. Based on that report, the Government introduced the Criminal Procedure Code Bill, 1970. There being divergent views on the issue in the Joint Committee of both the Houses, the matter was again referred to the Law Commission for fresh opinion. The Law Commission submitted its 48th report

agreeing with the previous report of the Law Commission with further opinion that such a power should be exercised in very exceptional cases.

15. Thereafter, the enactment of Section 438, CrPC was brought into existence in the following manner-

“S.438- Direction for grant of bail to person apprehending arrest.- When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Sessions for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

(2) When the High Court or the Court of Sessions make a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other conditions as may be imposed under sub-section (3) of section 437, as if the bail were granted under that section.

(3) If such person is thereafter arrested without warrant by an officer-in-charge of a police station on such accusation, and it appeared either at the time of arrest or at any time while in the custody of such officer to give bail, he shall be released on bail; and if a Magistrate taking cognizance of such offence decides that a warrant should issue in the first instance against that person, he shall issue a bailable warrant in conformity with the direction of the Court under sub-section (1).”

16. When this provision was in vogue, Hon'ble Supreme Court in said ***Gurbaksh Singh Sibbia's*** case at paragraph no.42 held that an interim order under section 438(1) of CrPC can be passed without giving notice to the Public Prosecutor but after such order is passed, notice should be issued forthwith to the Public Prosecutor or Government Advocate and question of bail should be re-examined in the light of contentions of the parties and such interim order must conform to the requirement of the section and suitable conditions should be imposed on the applicant even at that stage. It was also held that the apprehension of arrest of the accused must be genuine and that the Court which

grants anticipatory bail must take care to specify the offence(s) in respect of which alone the order will be effective and no blanket or general order can be passed in this regard.

17. Thereafter one amendment of said provision was made by Act no.22 of 2018 w.e.f. 21.04.2018 by incorporating sub-section (4) therein. Again by Act No.25 of 2005, the provisions of sub-section (1) of said section 438 was further amended and the final shape of said provision was given in the following manner:-

“438. Direction for grant of bail to person apprehending arrest-

* [(1) Where any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section that in the event of such arrest he shall be released on bail; and that Court may, after taking into consideration, inter alia, the following factors, namely:-

- (i) the nature and gravity of the accusation;
- (ii) the antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;
- (iii) the possibility of the applicant to flee from justice; and
- (iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested, either reject the application forthwith or issue an interim order for the grant of anticipatory bail:

Provided that, where the High Court or, as the case may be, the Court of Session, has not passed any interim order under this sub-Section or has rejected the application for grant of anticipatory bail, it shall be open to an officer incharge of a police station to arrest, without warrant, the applicant on the basis of the accusation apprehended in such application.

(1-A) Where the Court grants an interim order under sub-Section (1), it shall forthwith cause a notice being not less than seven days notice, together with a copy of such order to be served on the Public Prosecutor and the Superintendent of Police, with a view to give the Public Prosecutor a reasonable opportunity of being heard when the application shall be finally heard by the Court.

(1-B) The presence of the applicant seeking anticipatory bail shall be obligatory at the time of final hearing of the application and passing of final order by the Court, if on an application made to it by the Public Prosecutor, the Court considers such presence necessary in the interest of justice]

(2) When the High Court or the Court of Session make a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other conditions as may be imposed under sub-section (3) of section 437, as if the bail were granted under that section.

(3) If such person is thereafter arrested without warrant by an officer-in-charge of a police station on such accusation, and it prepared either at the time of arrest or at any time while in the custody of such officer to give bail, he shall be released on bail; and if a Magistrate taking cognizance of such offence decides that a warrant should issue in the first instance against that person, he shall issue aailable warrant in conformity with the direction of the Court under sub-section (1).

(4) Nothing in this section shall apply to any case involving the arrest of any person on accusation of having committed an offence under sub-section (3) of section 376 or section 376AB or section 376 DB of the Indian Penal Code.”

[* Substituted by the amending Act of 2005]

18. Said amended portion of Section 438 of CrPC of 2005 was not given effect though some other provisions of the said amending Act was given force vide notification dated 21.06.2006 issued by the Central Government. Therefore, the position of sub-section (1) of said section remained the same as it was prior to the Amendment of 2005 and said provisions are *pari materia* to the provision of section 482 of BNSS. Therefore, there is no reason to exclude the aforesaid principles as laid down in *Gurbaksh Singh Sibbia* (supra) in the new provision of section 482 of BNSS.

19. In the 203rd report of the Law Commission, reference of its 41st Report was also made. Said report considered the aspect of laying down certain statutory conditions in respect of granting of anticipatory bail and observed that it might not be practicable to exhaustively enumerate those conditions and therefore, the legislature in its wisdom left the matter to the discretion of the court and preferred not to fetter such discretion with the view that Superior Courts would, undoubtedly, exercise their discretion properly. Thus, the matter

of unfettered discretion was left to the courts while exercising such power. Therefore, it will be a narrower approach if it is now held that as there is no such specific provision in the statute, such Superior Courts are barred from exercising power of granting interim protection.

20. Matter is also elaborately discussed by Bombay High Court in case of *Chowgule & Co. Pvt. Ltd. vs. The Public Prosecutor, State of Goa, 2024 Supreme Court (Online) (Bom) 5094*, as relied on by Mr. Kar Bhowmik and said Court also finally held that while considering an application under section 482 of BNSS, the Court is having inherent power to grant ad interim bail in deserving cases and by exercising its discretion on case to case basis.

21. In a case of *Shaikh Juned Shaikh Osman vs. State of Maharashtra, [Criminal Appeal to the Special Leave Petition (Criminal) No. 4999 of 2025 decided on 31.7.2025]*, as further relied on by Mr. Kar Bhowmik and also in *Anash vs. State of NCT of Delhi & Anr., [Criminal Appeal to Special Leave Petition (Criminal) no. 7576 of 2025 decided on 17.7.2025]*, the appellants approached the Hon'ble Supreme Court after their petitions for anticipatory bail filed under section 482 of BNSS were rejected by the respective High Courts and in both the cases, Hon'ble Supreme Court granted interim protection to them.

22. Therefore, there is no further doubt that the Courts, while dealing with an application filed under section 482 of BNSS, have the jurisdiction to grant interim protection or interim bail to the applicant(s) in appropriate cases. The issue, as raised from the side of prosecution, is answered accordingly.

23. Now, the matter of merit of the application of the petitioner is being dealt with.

24. As it appears, the entire incident was centered round one agreement dated 30th July, 2025 executed between the petitioner and the deceased under the nomenclature '*Memorandum of Understanding for Agreement to Lease*'. On perusal of the same, it appears that the parties decided to go for a final lease deed and prior to that, certain obligations were created on either side to perform their respective parts of such obligations. The petitioner, as per the said lease agreement, has a land parcel at Agartala Township having a commercial building of UG + G+ 3 category which the deceased was interested to take on lease for the purpose of running one Multi Speciality Hospital. There are some incomplete building works in the said existing construction in which it was agreed that remaining works of said building would be done by the Lessor [the petitioner] at the expenses of the Lessee [the deceased] and the Lessor would refund the cost of such construction without interest @ Rs.10,50,000/- (Rupees ten lakhs fifty thousand only) per month from October, 2026. It was also agreed that the Lessee should pay interest free amount of Rs.20,00,00,000/- (Rupees Twenty Crores only) as refundable security deposit out of which Rs.1,00,00,000/- (Rupees One Crore only) was already paid to the Lessor by the Lessee and Rs.9,00,00,000/- (Rupees Nine Crores only) would be paid within 3(three) months and rest Rs.10,00,00,000 (Rupees Ten Crores only) would be paid within next 6(six) months therefrom and in case the Lessee failed to pay the security deposit as agreed, the Lessee should pay an additional interest @ 12% per month on the due amount till the date of payment from the date of signing of registered lease deed.

25. It was also agreed that in case the Lessee failed to pay the security deposit as agreed within one year from the date of said agreement, he should

pay compensation of Rs.2,60,00,000/- (Rupees Two Crores Sixty Lakhs only) together with interest on the said amount for delayed payment and the Lessor in that case would not enter into any final lease agreement and the present pre-lease agreement would also automatically be cancelled and in that case, the Lessor should refund the security deposit without interest after deducting the said compensation amount of Rs.2.60 Crores. The remaining construction work which was supposed to be done by the Lessor is also mentioned in the deed of agreement which are basically for installation of two passenger lifts, staircase handrail, setting up of one transformer, one overhead tank, stair flooring, underground water reservoir and outside painting work etc.

26. It was also agreed therein that the Lessor had an existing loan of Rs.1.00 Crore in the Union Bank of India against his land and after payment of advance security of Rs.1.00 Crore by the Lessee, the Lessor should provide a Bank Clearance Certificate to the Lessee prior to registration of the said lease deed.

27. It appears from the C.D. that Rs.1.00 Crore was transmitted to the bank account of the petitioner by the deceased in the month of June, 2025 and accordingly in the same month, the petitioner took Loan Clearance Certificate from the bank by clearing his loan. It also appears that the deceased also purchased certain hardware materials at an expense of Rs.67,00,000/- (Rupees Sixty Seven Lakhs only) or so, from different shops for such development of said building. He also sent one Engineer to inspect the building to ascertain whether it was suitable for utilising Hospital purpose and said Engineer informed that it was not structurally suitable for such purpose as per the statutory norms and safety regulations. Moreover, required vacant space was also not available in front of the building.

28. The dispute started thereafter in the middle part of September, 2025, and at that time the deceased sent a complaint letter to one political personality informing the said facts that for that purpose, he had requested the petitioner to take back his premises and to refund his security money along with the development cost which he had already incurred but as no response was received from the petitioner, he requested for intervention of said addressee for that purpose. At that time also the deceased did not allege any sort of cheating or breach of trust committed by the accused.

29. After the death of the deceased by committing suicide, one unnatural death case was registered on the basis of written information submitted by the present informant but there she did not grieve anything against the accused. In relation to enquiry of said un-natural death case, the police authority also examined the informant wherein she stated that her husband was worried concerning some financial transaction. There also she did not grieve anything against the accused at that time. One full blood brother and one cousin brother of the deceased were also examined by the police at that time and they also similarly stated that the deceased lost his mental balance for being involved in financial transaction with different persons. They also did not make any allegation against the petitioner at that time.

30. After four days of the death of the deceased, the present FIR was lodged by the informant and only then, for the first time, the informant made the allegation against the petitioner as indicated above. When after registration of the instant case police examined the informant and one of the employees of the deceased, the informant then stated that the petitioner was creating pressure for further money and was also mentally disturbing the deceased. She and another employee of the deceased further stated that the accused had abetted

the deceased to commit suicide asking him to do so, if he could not pay the rest amount as per contract. For the reasons as discussed above, such statements *prima facie* appear to be afterthought.

31. Learned senior counsel, Mr. Kar Bhowmik relies on a decision of Hon'ble Supreme Court in case of *Mahendra Awase vs. State of Madhya Pradesh*, (2025) 4 SCC 801, wherein, the Hon'ble Supreme Court has referred to another decision of said Court in case of *Swami Prahaladdas vs. State of MP*, 1995 supp. (3) SCC 438, wherein it was observed that the remark of the accused to the deceased to 'go and die' were casual in nature which are often employed in the hit of moment between quarrelling people and nothing serious is expected to follow thereafter and therefore, such act does not reflect the requisite *mens rea* on the assumption that those words would be carried out in all events.

32. At paragraph 19, it was observed that to satisfy the requirement of instigation to commit suicide, the accused by his act or omission or by a continued course of conduct should have created such circumstances that the deceased was left no other option except to commit suicide and that a word uttered in a fit of anger and/or emotion without intending the consequences to actually follow, cannot be said to be instigation. At paragraph 23, it was further observed that in such a case of abetment to commit suicide while the persons involved in genuine cases where the threshold is met should not be spared, the provision should not be deployed against the individuals, only to assuage the immediate feelings of the distraught family of the deceased.

33. Mr. Kar Bhowmik, learned senior counsel also relies on another decision of Hon'ble Supreme Court in the case of *Inder Chand Bagri vs. Jagadish Prasad Bagri & Anr.*, 2025 INSC 1350, wherein, it was observed

that where it is a case of commission of offence of criminal breach of trust, then in the same breath it cannot be said that the accused has also committed the offence of cheating. It was further observed by the Apex Court that the Court must ensure that criminal prosecution is not used as instrument for harassment or for seeking private vendetta or with an ulterior motive to pressurise the accused.

34. Learned P.P. also relies on a decision of Hon'ble Supreme Court in the case of *P. Chidambaram vs. Directorate of Enforcement, (2019) 9 SCC 24*, wherein, it was observed in paragraph 69 that ordinarily, arrest is a part of procedure of the investigation to secure not only presence of the accused but for several other purposes and power under Section 438 CrPC is an extraordinary power and same has to be exercised sparingly. It was also observed further at paragraph 72 that a delicate balance is required to be established between the rights of individual and larger societal interest.

35. Learned P.P. further relies on another decision of Hon'ble Supreme Court in the case of *Srikant Upadhyay & Ors. vs. State of Bihar & Anr., (2024) 12 SCC 382*, wherein, it was observed that power to grant anticipatory bail is an extraordinary power and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon such exercise, the Court concerned has to be very cautious as a grant of interim protection or protection to the accused in serious cases may lead miscarriage of justice and may hamper the case to a great extent as it sometimes lead to tampering or distraction of the evidence.

36. Learned P.P. also relies on a decision in the case of *Serious Fraud Investigation Office vs. Aditya Sarada, 2025 SCC OnLine SC 764*,

wherein, it was observed that the economic offences constitute a class apart, as they have deep rooted conspiracies involving huge loss of public funds and therefore, such offences should be viewed seriously. They are considered as grave and serious offences affecting the economy of the country and thereby posing threats to the financial health of the country. The present case being a case of private dispute of certain financial transaction pursuant to some agreement, this decision is not applicable in this case.

37. Lastly, learned P.P. also relies on another decision of a Co-ordinate Bench of this Court in the case of *Sahajahan Islam vs. State of Tripura* in *AB 79/2025*, decided on 27.10.2025. While dealing with a petition for anticipatory bail, in connection with a case registered under Sections 61/109/148/118(2)/3(5) of BNS, 2023 and 192/196 of BNS, 2023, the said bail application was rejected by the Court considering the materials on record of said case and also considering the fact that warrant and proclamation were already issued against the applicant, but till date, he did not surrender before the trial Court, and therefore, relying on a decision of the Apex Court in the case of *Lavesh vs. State (NCT of Delhi)*, (2012) 8 SCC 730, the said bail application was rejected.

38. Referring to above said decision of this Court, learned P.P. submits that in the present case also on the prayer submitted by the investigating officer on 25.11.2025, a non-bailable Warrant of Arrest was issued against the present petitioner, and therefore, the anticipatory bail is not maintainable. It also appears from the C.D. that said warrant was issued after his application for anticipatory bail was rejected by the learned Additional Sessions Judge and one day after the present bail application was filed before this Court by the petitioner.

39. The case of **Lavesh** (supra) was a case of death of a married lady within one year and 8 months of her marriage in pregnant condition. Considering the statements of the witnesses, it was observed by the Hon'ble Supreme Court that incriminating materials were there against the appellant of said case that he along with other family members subjected the deceased to cruelty on demand of dowry. There were also materials in the record that the appellant was a proclaimed offender. Taking into consideration of above said materials, the Hon'ble Supreme Court observed that it was clear that the appellant was not available for interrogation and investigation and was declared as offender and normally when the accused was absconding and declared as a proclaimed offender, there was no question of granting anticipatory bail. It was also reiterated that when a person against whom a warrant had been issued and was absconding or concealing himself in order to avoid an execution of warrant and declared as a proclaimed offender, he was not entitled to get the relief of anticipatory bail.

40. In the present case in hand, no proclamation has been issued and more so, the warrant was issued in the interregnum period when his application for pre-arrest bail was rejected by the learned Addl. Sessions Judge and filing of the present application before the High Court. Therefore, said decision does not squarely applied in the present case.

41. As already discussed above, the dispute arose between the parties regarding their financial transaction based on certain agreement entered into by both of them and when one deputed engineer of the deceased subsequently made an observation that the said building was not suitable for running one hospital. Such steps of examination of the building were taken by the deceased

when already he had entered into such agreement with the accused. After the dispute arose when he approached the said political personality some days prior to his death, he did not bring any allegation of cheating or criminal breach of trust or of any threat or abetment of commission of suicide against the present petitioner. Even, just after the death of the deceased when police recorded the statements of the informant and other close relatives of the deceased, they also did not put forward any such allegation against the petitioner. The FIR was lodged after four days and thereafter such allegations were made before the police authority. After receipt of Rs. 1.00 Crore, the petitioner also liquidated his previous loan and collected Loan Clearance Certificate. There is no specific condition in the agreement that the rest amount shall have to be refunded by him to the deceased immediately thereafter.

42. Considering all these aspects, it appears to this Court that it is a fit case to grant pre-arrest bail to the petitioner.

43. In view of above, the application for pre-arrest bail is allowed.

44. It is ordered that in the event of arrest in connection with above said East Agartala P.S. Case No. 116/2025, the petitioner, Dr. Partha Bhattacharya, shall be released on bail on furnishing a bond of **Rs.2,00,000/-** (Rupees two lakhs) only, with one surety of like amount to the satisfaction of the arresting authority on condition that—

(i) He will not leave the State of Tripura during the period of investigation without the prior permission of learned Chief Judicial Magistrate, West Tripura;

(ii) He will make himself available to the investigating officer as and when required for the purpose of interrogation and will co-operate with the investigation;

(iii) He will not try to terrorize or influence any witnesses of the case to dissuade them from divulging the truth before the investigating officer or the Court;

(iv) He will co-operate with the Court during trial by his regular appearance and otherwise.

45. In case of breach of any of the conditions by the petitioner, investigating officer will be at liberty to take appropriate steps against him by approaching the appropriate forum in accordance with law. It is clarified that the observations made here-in-above regarding the merit of the case, are made only for limited purpose to decide merit of the bail application and this will have no bearing during trial of the case.

46. The warrant already issued by learned Chief Judicial Magistrate, West Tripura, Agartala is rendered infructuous and will not further be given effect by the I.O. The I.O. will return the same to the learned Court below forthwith.

47. With such observations and directions, the bail application is disposed of.

48. Reconsign the C.D. with a copy of this order to learned P.P. Also communicate a copy of this order to the learned C.J.M, West Tripura, Agartala.

(S. DATTA PURKAYASTHA, J)