

**HIGH COURT OF TRIPURA
AGARTALA**

BA No.141 of 2025

Smt. Usha Rani Biswas W/o- Sri Ratan Biswas, R.O. Jogendranagar, Agartala, P.O. Jogendranagar, P.S. East Agartala, Dist. West Tripura-799004.

.....Applicant(s)

For and on behalf of

Smt. Madhabi Biswas, D/o- Sri Ratan Biswas, R.O. Jogendranagar, Agartala, P.O. Jogendranagar & P.S. East Agartala, Dist. West Tripura-799004.

-----Accused(s)

Versus

The State of Tripura (represented by the Ld. Public Prosecutor, Hon'ble High Court of Tripura)

....Respondent(s)

For Applicant(s)	:	Mr. P.Roy Barman, Sr. Advocate. Mr. S.Bhattacharjee, Advocate. Mr. Kawsik Nath, Advocate.
For Respondent(s)	:	Mr. Raju Datta, PP. Mr. R.Saha, Addl. PP

=B=E=F=O=R=E=

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

=O=R=D=E=R=

07.01.2026

Heard Ld. Sr. Counsel Mr. P. Roy Barman assisted by Mr. Samarjit Bhattacharje, Advocate and Mr. Kawsik Nath, Advocate for the applicant. Also heard Mr. Raju Datta, Ld. PP and Mr. R.Saha, Ld. Addl. PP for the state respondent.

[2] The FIR was lodged against the accused applicant Smt. Madhabi Biswas to the Officer In Charge, West Agartala Police Station with the allegations that concerning the visit of

Hon'ble Prime Minister of India to Matabari Temple at Udaipur on 22.09.2025, she, in her Facebook reel, made derogatory remarks against the Hon'ble Prime Minister of India and one person namely, Rimpi Das lodged the 'Azahar' alleging that such defamatory and stigmatizing statements made by the accused in the said reel against the Hon'ble Prime Minister has shocked her conscience. The Police authority registered the case as West Agartala P.S. Case No. WAG 113 of 2025 under Sections 356/356(3) of Bharatiya Nyaya Sanhita(for short-'BNS')2023 and Section 67 of the Information Technology Act, 2000.

[3] Ld. Sr. Counsel, Mr. P. Roy Barman for the applicant submits that there are some other cases also against the accused applicant and she was shown arrested in this case on 25.11.2025 and since then she is in custody and the allegations as brought against her are also not so serious and prescribed punishment are also below 7 years. Therefore, bail may be granted on any condition.

[4] According to Ld. Sr. Counsel Mr. P. Roy Barman, the allegations, as made in the FIR also do not attract provision of Section 67 of the IT Act and Section 356(2) of BNS is bailable one.

[5] Ld. PP Mr. Raju Datta as well as Ld. Addl. PP Mr. R. Saha seriously oppose the bail prayer mainly on the ground that the investigation in this case is already completed and charge sheet is already filed against the

accused under Section 356/356(3) of BNS and Section 67 of the IT Act, 2000 and a petition for custody trial is also pending before the Ld. Chief Judicial Magistrate, West Tripura and therefore, till the matter is decided by Ld. Chief Judicial Magistrate, the bail application may be kept pending.

Considered the submission.

[6] Court has gone through the above said provisions under which the charge sheet is submitted. The Section 356, BNS is bailable one and provision of Section 67 of IT Act is non bailable, but, prescribed punishment for the same is imprisonment upto 3 years for the first offence and imprisonment upto 5 years for subsequent offences. For almost about 2 months, she is in custody and investigation is already completed.

[7] Considering thus, it appears to the Court that keeping this matter pending awaiting for decision of Ld. Chief Judicial Magistrate regarding petition for custody trial will further linger the incarceration when already she is in judicial custody for a considerable period. However, Court is also not inclined to interfere with the jurisdiction of Ld. Chief Judicial Magistrate regarding his decision on the petition submitted by the Investigating Officer on 03.01.2026 praying for such custodial trial of the accused on certain grounds.

[8] Considering all these aspects, Court feels it proper to dispose of the bail application by granting interim bail to the accused Madhabi Biswas in connection with this case till

the petition filed by the I.O for custodial trial is decided by Ld. Chief Judicial Magistrate.

[9] Considering thus, it is ordered that the accused, Madhabi Biswas shall be released on bail on furnishing bond of Rs.30,000/-(Rupees Thirty thousand) only with one surety of like amount to the satisfaction of Ld. Chief Judicial Magistrate, West Tripura, Agartala unless detained in connection with any other case, for an interim period till the decision of Ld. Chief Judicial Magistrate on said petition dated 03.01.2026, filed by the I.O. praying for her custody trial. It is clarified that Ld. Chief Judicial Magistrate will dispose of the said petition of custody trial of the applicant strictly in accordance with law and without being influenced by the order of this Court. Ld. Chief Judicial Magistrate will inform the accused person, on her release, about the next date of appearance to participate in the hearing of petition for custody trial.

[10] With such directions, the bail application is disposed of.

[11] Communicate a copy of this order to the Ld. Chief Judicial Magistrate immediately.

JUDGE

SUJAY GHOSH Digitally signed by SUJAY GHOSH
Date: 2026.01.07 19:46:33 +05'30'

Saikat Sarma