

**HIGH COURT OF TRIPURA
AGARTALA**

AB No.35 of 2023

Sri Rupak Debroy

....Applicant(s)

Versus

The State of Tripura

....Respondent(s)

For the Applicant(s)	:	Mr. C.S. Sinha, Advocate Mr. Pathak Rakesh Kaushik, Advocate
For Respondent(s)	:	Mr. Raju Datta, PP

HON'BLE MR. JUSTICE ARINDAM LODH
Order

28/11/2023

Heard Mr. Pathak Rakesh Kaushik, learned counsel appearing for the applicant. Also heard Mr. Raju Datta, learned PP appearing for the respondent-State.

An F.I.R. No.2023/EAG/157 dated 26.10.2023 has been lodged against the applicant. He has approached learned Addl. Sessions Judge, Court No.5, West Tripura, Agartala. But the bail application was rejected vide order dated 04.11.2023.

Being aggrieved of the said order of rejection, the applicant has filed the instant application under Section 438 Cr.P.C for granting him pre-arrest bail in connection with East Agartala PS case no.157 of 2023 registered under Sections 420/506/409/468/471 of the IPC read with Sections 13(1)(c) and (2)(d) of the Prevention of Corruption Act (later on added during the course of investigation).

Learned Addl. Sessions Judge in his order dated 04.11.2023 while rejecting the bail application of the applicant has observed thus:

“On the other hand, Ld. PP Mr. B. Deb being assisted by Ld. APP Mr. B. Sutradhar submitted that the accused did not come before the court with clean hand and did not furnish all the information to court. Ld. PP also submitted that on different date and time as mentioned in the case diary accused received huge money from Indian Olympic Association (IOA) and misappropriate the same. Ld. PP draws the attention of the court towards the statement of witnesses who stated that by different accounts numbers transactions has been taken place and that account

number is being manned by accused person. Ld. PP submitted that during investigation police personal contacted with the accused who informed that at present he is at Goa and provided one Air Ticket from his wife mobile Whatsapps and on inquiry police came to know that fake ticket is provided to misguide the investigation and thus, accused is not cooperating the investigation. Ld. PP also submitted that accused is a habitual offender and a case bearing No.202/AD/084 dated 26.09.2020, 223/EAG/101 dated 29.06.2023 and 2023/EAG/121 dated 10.08.2023 have been registered against the accused person. Thus, Ld. PP opposes the bail prayer.

Perused the case record along with CD and LC record.

I find that this is a case registered under section 420/506/409/468/471 of IPC and all the sections are punishable below or upto 7 years except section 409 of IPC. Now I have to see whether prosecution prima facie established ingredients of section 409 of IPC.

It is not indispute that the accused was a public servant took voluntary Retirement on 19.12.2022 and the alleged incident had started prior to the retirement of the accused person. From the statement of witnesses I find that accused was in charge of financial activities of TOA along with other associations. It is also prima facie established that the information given by the wife of the accused person to the fact that accused is in Goa and went their by Air and that ticket is fake and fabricated one. From the MEMORANDUM AND RULES AND REGULATIONS OF INDIAN OLYMPIC ASSOCIATION (AS AMENDED UPTO 2ND NOVEMBER 2022) at point 15.3.3. it is stated that The Secretary General/CEO shall be in charge of the day to day administration of the Association and he shall be responsible for maintenance of properties (Movable and Immovable) of the association along with other responsibilities. At point No. 16 it is also stated that Accounts shall be maintained and operated by the CEO in coordination and consultation with the President and Treasurer. In spite of State Olympic Association at para No.27 it is clearly stated that the State Olympic Associations should formulate their constitution in consonance with the IOA constitution. No provision of constitution of State Olympic Association should be in contradiction to the Constitution of the IOA.

On consideration of the entire material including the case diary, FIR, I am of the opinion that prosecution prima facie proved incriminating material under section 409 of IPC against the present accused person.

Accordingly the bail petition is stands rejected.”

After perusal of the case diary, I find serious allegations against the applicant. Out of 13 players, only 4 players hailing from Tripura had been given opportunity to participate in the Kabaddi tournament. The applicant had allowed other players from other States like Rajasthan and Karnataka to play and participate in the Kabaddi Tournament at Madurai, Tamil Nadu who played in the name of Tripura. From the case diary, it is also revealed that the applicant had received money from some of the players, but, they were not given opportunity to participate in the tournament. Moreover, there are altogether 12 bank accounts maintained and run by the applicant. The police also seized fake air tickets in the name of the applicant. It is the allegation that more than Rs.43 lakhs was received by the accused from The Indian Olympic Association for development of the Tripura State Olympic Association, but, the said amount was utilized by the applicant for his own personal benefit and not used for the development of Tripura State Olympic Association and the said fact was also corroborated by the statements of some of the witnesses. There are other evidences also which may not be required to be reproduced at this stage.

In the light of above prima facie evidence, I am not inclined to grant anticipatory bail to the applicant.

Accordingly, the instant anticipatory bail application stands dismissed.

JUDGE

Snigdha

SANJAY Digitally signed by
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Date: 2023.11.28
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