

**HIGH COURT OF TRIPURA
AGARTALA
A.B. No.33 of 2025**

Sri Ranjan Saha,
S/o-Gopal Chandra Saha, residing at Jogendranagar,
Near Gramin Bank, Water Supply, P.O.: Jogendranagar,
P.S.: East Agartala, District: West Tripura,
PIN:799004, Aged about- 54 years approx.

----- Accused applicant(s)

Versus

The State of Tripura

-----Respondent(s)

For Applicant(s)	:	Mr. Arijit Bhaumik, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

07/08/2025

This pre-arrest bail application under Section 482 of BNSS, 2023 is filed for granting bail to the accused applicant, Sri Ranjan Saha in connection with West Agartala PS case No.2025 WAG 017 under Sections 318(4)/316(5) of BNS, 2023.

Heard Learned Counsel, Mr. Arijit Bhaumik appearing on behalf of the accused-applicant. Also heard Learned P.P., Mr. Raju Datta appearing on behalf of the State-respondent.

Today, the case diary is produced by Learned P.P.

At this time, Learned Counsel for the accused-applicant submitted before this court that the entire case is based on documentary evidence on record. The accused-applicant by this time has been placed under suspension and has been transferred to Gonda Twisa (Gandacherra). So, from staying in Gonda Twisa (Gandacherra), it is not possible on his part to tamper the evidence on record of the

prosecution. It is also submitted by Learned Counsel for the accused-applicant that the applicant has been falsely entangled in this case and as ordered by this court he has already deposited the alleged defalcated amount. Learned Counsel further submitted that there is no intention on the part of the accused-applicant to non-co-operate with the I.O. regarding proper investigation of this case and relying upon two judgments, Learned Counsel for the accused-applicant urged for granting pre-arrest bail to the accused in any condition. It is also submitted that by order dated 30.04.2025 and subsequent orders the accused-applicant was granted interim protection by this court till today. In support of his contention, Learned Counsel relied upon one citation of the Hon'ble Supreme Court of India in **C.R. Patil vs. State of Gujarat & Ors.**, reported in **(2005) 11 SCC 119** wherein in para No.7 Hon'ble the Apex Court has observed as under:

"7. Having heard the learned counsel for the parties, we are of the view that it would be in the interest of justice to grant prayer of the petitioners. As stated in the petition itself, the order passed by the High Court is subject-matter of challenge and special leave petitions are pending before this Court. It has also come on record that earlier prayer for temporary bail was granted by this Court pursuant to which the petitioners were enlarged on bail, no doubt for a temporary period. It is not even the allegation of the respondents that the petitioners have violated terms and/or conditions of the said order passed by this Court. When the petitioners have shown their willingness to pay the amount and the special leave petitions are pending, this Court will consider all aspects when the matters will be taken up for hearing. But in view of the fact that an order passed by this Court temporarily releasing them on bail is over and special leave petitions await hearing and as stated by learned counsel for the petitioners, the petitioners intend to enter into meaningful negotiations with the respondents and to do all the necessary acts for payment of loan amount, it would be in the interest of justice to enlarge them on bail so as to enable them to make arrangements for such payment."

Relying upon the same, Learned Counsel submitted that considering the nature of allegation and the involvement of the accused and also the fact that the defalcated money has already been deposited by the accused to the respective account of the department, the concession of pre-arrest bail may be extended to him. Learned

Counsel for the accused-applicant also relied upon another citation of the Hon'ble Supreme Court of India in **Ramesh Kumar vs. State of NCT of Delhi**, reported in **(2023) 7 SCC 461**, wherein in para No.26 Hon'ble the Apex Court has observed as under:

"26. We may, however, not be understood to have laid down the law that in no case should willingness to make payment/deposit by the accused be considered before grant of an order for bail. In exceptional cases such as where an allegation of misappropriation of public money by the accused is levelled and the accused while seeking indulgence of the court to have his liberty secured/restored volunteers to account for the whole or any part of the public money allegedly misappropriated by him, it would be open to the court concerned to consider whether in the larger public interest the money misappropriated should be allowed to be deposited before the application for anticipatory bail/bail is taken up for final consideration. After all, no court should be averse to putting public money back in the system if the situation is conducive therefor. We are minded to think that this approach would be in the larger interest of the community. However, such an approach would not be warranted in cases of private disputes where private parties complain of their money being involved in the offence of cheating."

Relying upon the same, Learned Counsel submitted that since the alleged defalcated amount is very less and the accused-applicant by this time has deposited the alleged defalcated amount so, in view of the principle of law laid down by Hon'ble the Apex Court in the aforementioned case, the accused may be granted pre-arrest bail.

On the other hand, Learned P.P. opposed the submission made by Learned Counsel for the accused-applicant and submitted that from the contents of the F.I.R., it is clear that the accused-applicant misappropriated public money. He prepared a false beneficiary list and transferred the amount to the accounts of his brother, sister, brother-in-law, etc., which will be cleared on perusal of case diary. Furthermore, referring the original and the fake statement as collected by I.O., Learned P.P. submitted that since the accused-applicant is a public servant, so, although he has deposited the amount, but in spite of that, there is no scope to show any lenient

view. In support of his contention, Learned P.P. relied upon one citation of the Hon'ble Supreme Court of India in **Sumitha Pradeep vs. Arun Kumar C.K. & Anr.**, reported in **(2022) 17 SCC 391**, wherein in para No.12 Hon'ble the Apex Court observed as under:

"12. We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCsO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail."

Referring the same, Learned P.P. submitted that since the investigation of the case is in progress so, considering the nature of offense and allegation, his custodial interrogation is very much required. Learned P.P. further submitted that even for the sake of argument, if the custodial interrogation is not required also, even in that case, considering the nature of implication, there is no scope to consider pre-arrest bail at this stage. Learned P.P. thereafter referred another citation of the Hon'ble Supreme Court of India in **P. Chidambaram vs. Directorate of Enforcement** reported in **(2019) 9 SCC 24**, wherein in para No.59, 75, and 78, Hon'ble the Apex Court observed as under:

"59. As rightly submitted by the learned Solicitor General that if the accused are to be confronted with the materials which were collected by the prosecution/Enforcement Directorate with huge efforts, it would lead to devastating consequences and would defeat the very purpose of the investigation into crimes, in particular, white collar offences. If the contention of the appellant is to be accepted, the investigating agency will have to question each and every accused such materials collected during investigation and in this process, the investigating agency would be exposing the evidence collected by them with huge efforts using their men and resources and this would give a chance to the accused to tamper with the evidence and to destroy the money trail apart from paving the way for the accused to influence the witnesses. If the contention of the appellant is to be accepted that the accused will have to be questioned with the materials and the investigating agency has to satisfy the Court that the accused was "evasive" during interrogation, the Court will have to undertake a "mini trial" of scrutinising the matter at intermediary stages of investigation like interrogation of the accused and the answers elicited from the accused and to find out whether the answers given by the accused are "evasive" or whether they are "satisfactory" or not. This could have never been the intention of the legislature either under PMLA or any other statute.

75. Observing that the arrest is a part of the investigation intended to secure several purposes, in *Adri Dharan Das v. State of W.B.* [*Adri Dharan Das v. State of W.B.*, (2005) 4 SCC 303 : 2005 SCC (Cri) 933] , it was held as under: (SCC p. 313, para 19)

"19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code."

Economic offences

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In *Directorate of Enforcement v. Ashok Kumar Jain* [*Directorate of Enforcement v. Ashok Kumar Jain*, (1998) 2 SCC 105 : 1998 SCC (Cri) 510] , it was held that in economic offences, the accused is not entitled to anticipatory bail."

Referring the same, Learned P.P. submitted that this is a case under economic offence, so, at this stage there is no scope to grant the privilege of concession of pre-arrest bail. Learned P.P. also referred a very recent order passed by Hon'ble Supreme Court in **Gajanan Dattatray Gore vs. State of Maharashtra & Anr.** reported in **2025 SCC OnLine SC 1571**, wherein in para Nos. 15, 16, 18, and 19, Hon'ble the Apex Court observed as under:

"15. We have noticed over a period of time that orders of regular bail and anticipatory bail are being passed by different High Courts subject to deposit of some amount.

16. We have come across cases like the one in hand where accused persons have gone to the extent of filing affidavits in the form of undertaking that they would deposit a particular amount within a particular period and then conveniently resile from such undertakings saying it is an onerous condition.

18. The case in hand is one in which the appellant on his own free will and volition filed an affidavit in the form of an undertaking before the High Court that he would deposit an amount of Rs. 25,00,000/- but ultimately resiled to do so and the High Court had to cancel the bail. It was too much for the lawyer of the appellant to argue before the High Court that asking his client to deposit Rs. 25,00,000/- was unreasonable. It reflects on the professional ethics.

19. By this order, we make it clear and that too in the form of directions that henceforth no Trial Court or any of the High Courts shall pass any order of grant of regular bail or anticipatory bail on any undertaking that the accused might be ready to furnish for the purpose of obtaining appropriate reliefs."

Referring upon the same, Learned P.P. submitted that at this stage there is no scope to show any lenient view.

To reply to the submission made by Learned P.P., Learned Counsel, Mr. Bhaumik further submitted that the latest order of the Hon'ble Supreme Court relates to non-fulfillment of undertaking by the accused person. But, here in the case at hand, since the accused-applicant has already complied with the Court's order, so the same principle cannot be applied in this case.

Considered.

In the case at hand, the prosecution allegation, in short, is that on 19.02.2025, one Anirban Bhowmik, Labour Inspector, In-

charge of ASSP Scheme, Labour Directorate laid an F.I.R. to O/C West Agartala PS alleging *inter alia* that Sri Biswajit Paul, Addl. Labour Commissioner and Smt. Paramita Majumder, Dy. Labour Commissioner conducted an inquiry and submitted a preliminary report on 19.02.2025 from which it was revealed that Sri Ranjan Saha, LD Clerk has misappropriated and embezzled Rs.1,28,378/- under ASSP Scheme by means of forgery of the Sanction memo issued by the Labour Commissioner and inclusion of names of five numbers of unauthorized persons. The details are given in the F.I.R. It was further revealed that by way of forgery of the Sanction memo he has transferred the amount to one Pritam Saha, Rakhi Saha, Prashanta Saha, Shibajyoti Saha and Raiharan Saha being the nephew, sister, brother-in-law and brothers respectively. Hence, he laid the F.I.R. On the basis of the F.I.R., the case was registered.

I have perused the case diary very carefully.

There is clear admission before the committee by the accused himself that he himself was involved in misappropriation due to financial crisis and adulterated huge amount of government money in several occasions by manipulating the figure of Sanction amount of the ASSP beneficiaries in the memorandums and transferred the amount to his SB accounts.

In course of investigation, the I.O. also recorded the statement of some of the members of the team who conducted inquiry and also procured the Sanction memo and the fabricated Sanction memo. From the relevant prosecution papers, it appears that the accused-applicant defalcated the said amount.

It is admitted position that after hearing both the sides, by order dated 30.04.2025, a direction was given to the accused-applicant to deposit the alleged amount, and accordingly, he complied with the order which was in compliance of the principle of law laid down by the Hon'ble Apex Court in **Ramesh Kumar(supra)**. However, it does not mean that since the defalcated amount is deposited by the accused-applicant, so anticipatory bail should be granted to him. The investigation of the case is still in progress.

I have also perused the forwarding report of I.O. submitted before this court through Learned P.P.

Considering the nature of the allegation and also the fact of the involvement of the accused-applicant with the alleged offences, since it is a case under economic offence, so at this stage, there is no scope to consider the privilege of granting pre-arrest bail to the accused-applicant. The citations referred by Learned P.P. appear to be more appropriate and relevant for decision of this case, and accordingly the principles laid down in the aforesaid citations are taken care of.

With the observation, the present anticipatory bail application stands rejected.

Return back the record to the Learned Trial Court along with a copy of this order. Return back the Case Diary to I.O. through Learned P.P. along with a copy of this order.

JUDGE

Snigdha

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