

**HIGH COURT OF TRIPURA
AGARTALA
A.B. No.66 of 2025**

Sri Bidyut Bahni Chakraborty, Age 48 years,
S/O- Lt. Benu Badan Chakraborty,
Resident of near T.V Tower, Sreenagar,
A.D. Nagar, P.O & P.S.- A.D. Nagar,
Agartala, District – West Tripura.

.... Applicant

Versus

The State of Tripura,
(To be represented by the L'd Public Prosecutor, Hon'ble High
Court of Tripura)

.....Respondent

For Applicant(s)	:	Mr. Purusuttam Roy Barman, Sr. Adv. Mr. Kawsik Nath, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

11/09/2025

This pre-arrest bail application under Section 482 of BNSS, 2023 is filed for granting bail to the accused-applicant Sri Bidyut Bahni Chakraborty in connection with Kumarghat P.S. Case No.13/2025 (2025 KGT 013) under Section 314/316(5) of BNS, 2023.

Heard Learned Senior Counsel, Mr. P. Roy Barman assisted by Learned Counsel, Mr. K. Nath appearing on behalf of the accused-applicant and also heard Learned P.P., Mr. R. Datta appearing on behalf of the State-respondent.

Today Learned P.P. has produced the CD also we have received the record from the Learned Trial Court.

Taking part in the hearing, Learned Senior Counsel, Mr. P. Roy Barman appearing on behalf of the accused-applicant first of

all drawn the attention of the Court referring the contents of the FIR laid by one Nisith Chakraborti, TFS, Divisional Manager, Northern Division, TFDPC Ltd. Kumarghat, North Tripura to O/C, Kumarghat Police Station dated 01.08.2025, on the basis of which this present case has been registered.

Learned Senior Counsel, Mr. P. Roy Barman further drawn the attention of the Court referring Annexure-4 i.e. the communication dated 23.06.2025 written by the Divisional Manager, Northern Division, Kumarghat, TFDPC Ltd. to the accused applicant and subsequent officer order dated 19.06.2025 issued by the same Divisional Manager and found that those documents are contradictory to each other. In one document i.e. in Annexure-4 it was shown total shortage of Sheet Rubber 21558.00 Kg and on the other hand in Annexure-7 i.e. the office order dated 19.06.2025 in respect of NC Para RPC total stock has been shown and the total stock position on 17.06.2025 is shown 26.613 MT. Referring those documents Learned Senior Counsel, Mr. P. Roy Barman drawn the attention of the Court that the said documents are contradictory to each other and also contrary to the contents of the FIR laid by the same informant.

It was further submitted by Learned Senior Counsel, Mr. P. Roy Barman appearing for the accused-applicant by this time the departmental proceeding has been initiated against the accused-applicant and there is no chance of his absconsion and considering the nature and gravity of the offence. Learned Senior Counsel for the accused-applicant submitted that since the accused-applicant has been falsely implicated in this case so concession of pre-arrest bail may be granted to him.

It was further submitted by Learned Senior Counsel that at one point of time this accused person has been rewarded by order dated 23.04.2025 (Annexure-3) by the department and by the said order he was given promotion by the department. So, this present prosecution is nothing but a manufactured story to blemish the career of the present accused-applicant.

On the other hand, Learned P.P., Mr. R. Datta appearing on behalf of the State-respondent submitted that there are serious allegations against the accused-applicant regarding misappropriation of rubber sheets as an In-charge of the relevant RPC and from the contents of the FIR it appears that there was total defalcation of 24912 Kg of Rubber Sheet and 5482 Kg of Scrap Rubber after physical verification of the stock which amounts to Rs.50,44,816.00/- (approx.). Thus, a serious loss has been caused to the Government exchequer and it is a case under economic offence. By this time the I/O has recorded the statement of some of the witnesses who are very much conversant with the facts and circumstance of the case and from the enquiry report of the committee there is clear misappropriation of 26890 Kg of Rubber Sheet and Scrap Rubber till the month of July and if at this stage the concession of pre-arrest bail is granted to the accused-applicant then the investigation would be hampered and to unearth the truth the custodial interrogation of the accused is very much required for the sake of investigation.

Learned P.P. placed reliance upon the judgment of Hon'ble Supreme Court of India in ***P. Chidambaram Vs. Directorate of Enforcement*** reported in **(2019) 9 SCC 24** wherein in para Nos.75, 77, 78, Hon'ble the Apex Court observed as under:-

"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."

77. After referring to Siddharam Satlingappa Mhetre [Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in Jai Prakash Singh v. State of Bihar [Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468] , the Supreme Court held as under: (SCC p. 386, para 19)

"19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroped in the crime and would not misuse his liberty. (See D.K. Ganesh Babu v. P.T. Manokaran [D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 : (2007) 2 SCC (Cri) 345] , State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain [State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176] and Union of India v. Padam Narain Aggarwal [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1] .)"

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 considering the nature and gravity of the offence at this stage there is no scope to consider pre-arrest bail to the accused.

Learned P.P., Mr. R. Datta further referred another citation of the Hon'ble Supreme Court of India in **Y.S. Jagan Mohan Reddy Vs. Central Bureau of Investigation** reported in (2013) 7 SCC 439 wherein in para Nos.34 and 35, Hon'ble the Apex Court observed as under:-

"34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

35. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations."

Referring the same, Learned P.P. submitted that in view of the principle of law laid down by the Hon'ble Apex Court there is no scope to consider pre-arrest bail to the accused in this case at this stage. Learned P.P. also relied upon one order dated 02.08.2025 passed by this Court in connection with B.A. No.43 of 2025.

Referring all the cases Learned P.P. submitted that since the case is at the very initial stage so if at this stage the accused is granted pre-arrest bail then the investigation of the case would be seriously hampered and urged for dismissal of the pre-arrest bail application.

To the contrary, Learned Senior Counsel, Mr. P. Roy Barman appearing on behalf of the accused-applicant submitted that the submission of Learned P.P. cannot be accepted at this stage as because this present case does not come under the purview of economic offence as alleged by Learned P.P. representing the prosecution and urged for granting pre-arrest bail to the accused-applicant for the sake of investigation in any condition.

Considered.

In the case at hand the prosecution was set into motion on the basis of an FIR dated 01.08.2025 laid by one Mr. Nisith Chakraborti, TFS, Divisional Manager, Northern Division TFDPC Ltd., Kumarghat, Unakoti District to O/C alleging *inter alia* that as per official stock register maintained at NC Para RPC and as per stock report submitted by O/C during monthly meeting held on 17.05.2025, the quantity of rubber in stock was recorded as follows:-

- Sheet Rubber : 24,358 Kg.
- Scrap Rubber : 6,335 Kg.

But in course of physical verification conducted by 03 (three) members committee of the Northern Division on 25.05.2025, it was found that actual quantity of stock present was significantly less as follows:-

- Sheet Rubber : 8,800 Kg.
- Scrap Rubber : 335 Kg.

Thereafter a committee was appointed to enquire the matter on 06.06.2025 and the committee examined the stock position and as per stock position they have found shortage of 24912 Kg of Sheets Rubber and 5482 Kg. of Scrap Rubber which involves financial amount of Rs.50,44,816.00/- (approx.). According to the informant the present accused-applicant being the Officer In-charge

of NC Para RPC was responsible for the stock in the said RPC. Accordingly the FIR was laid. On the basis of the FIR this present case was registered.

At the time of hearing as already submitted Learned Senior Counsel appearing for the accused-applicant drawn the attention of the Court referring Annexure-4 i.e. the communication dated 23.06.2025 and Annexure-7 i.e. the office order dated 19.06.2025 and submitted that there was mismatch between the said communication/office order. But on careful perusal of those communication and office order it appears that based on the report submitted by the present accused-applicant the position was shown in the said communication and office order. But on bare perusal of the FIR it appears that the three members committee after physical verification opined that there was shortage of 24920 Kg. of Sheets Rubber and 5482 Kg. of Scrap Rubber. The present case is registered under Section 314/316(5) of BNS, 2023.

I have also perused the statement of the witnesses recorded by I/O upto this stage of investigation and also the report of the inquiry committee formed by the department to find out the truth from which it appears that there was huge shortage of Rubber Sheets and Scrap Rubber which revealed after physical verification of the stock of the concerned RPC.

From the statement of the witnesses so far recorded by I/O, the *prima facie* involvement of the accused-applicant cannot be ruled out at this stage and moreso, I have also perused the citations referred by Learned P.P. appearing on behalf of the State-respondent and it appears that this present case obviously false under the category of economic offence. So considering the nature and allegation of the prosecution at this stage I do not find any scope to

presume the accused-applicant to be innocent to grant the concession of pre-arrest bail to him. Moreso, in view of the principle of law laid down by the Hon'ble Apex Court as referred above in a case of this nature, nature of the acquisition, the nature of evidence and the severity of punishment are also to be considered. Since the case is at the very initial stage and Learned Additional Sessions Judge, Unakoti Judicial District, Kailashahar by order dated 21.08.2025 also rejected his bail application. So, at this stage I do not find any scope to grant the privilege of concession of pre-arrest bail to the accused-applicant. Hence, the pre-arrest bail application filed by the accused-applicant stands rejected.

Return back the CD to I.O. through Learned P.P. along with a copy of this order.

Also return back the record to the Learned Trial Court along with a copy of this order.

With this observation, this pre-arrest bail application stands disposed of.

JUDGE

Amrita

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