



TRHC010008812026

2026:THC:732

IN THE HIGH COURT OF TRIPURA
AGARTALA

B.A. No.106 of 2026
A.B. No.29 of 2026

In B.A. No.106 of 2026

Mr. Om Rajendra Kaklij

son of Rajendra Chintaman Kaklij, residing at Village-
Kotamgaon BK, near Maruti Temple, Yevla, P.S.
Yeola, District –Maharashtra, PIN-423401

..... **Petitioner (s)**

On behalf of accused :

Mr. Rajendra Chintaman Kaklij,

son of Mr. Chintaman Sukdeo Kaklij, resident of Flat
No.D-1, GouravSmruti, Ambad Link Road, Uttam
Nagar, Kidco Colony, near Barkule Hall, Nashik,
Maharashtra, PIN-422009

..... **Accused Petitioner (s)**

By Advocate :

Mr. M. Harit
Mr. K. Kashif Wahedra
Mr. J. Majumder
Mr. S. Chakraborty

- Versus -

The State of Tripura

..... **Respondent (s)**

By Advocate :

Mr. R. Datta, P.P.

In A.B. No.29 of 2026

Sri Gaurav Ravindra Wagh

son of late Ravindra Tukaram Wagh, resident of Flat
No.1, D. Gaurav Colony, Devdatta Nagar, Nashik,
Ambad, Khurd, Maharashtra-422010

.....**Petitioner (s)**

By Advocate :

Mr. P.K. Biswas, Sr. Adv.
Mr. Arnab Kar
Mr. D. Biswas

- Versus -

The State of Tripura
represented by Department of Home, Government of
Tripura

..... **Respondent (s)**

By Advocate :
Mr. R. Datta, P.P.

Date of hearing : 26.05.2026

Date of delivery of order : **03.06.2026**

Whether fit for reporting :

YES	NO
	✓

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

ORDER

The accused person, namely Mr. Rajendra Chintaman Kaklij, [hereinafter referred to as the petitioner No.1] has sought for regular bail and the accused person, namely Gaurav Ravindra Wagh [hereinafter referred to as the petitioner No.2] has sought for pre-arrest bail in connection with GRPS Case No.25 of 2026 registered under Sections 238, 249(b), 316, 318 & 61 of Bharatiya Nyaya Sanhita [for short, BNS], 2023 and Sections 7,8,11,12 & 13 (1) (b) of Prevent of Corruption Act [for short, PC Act], 1988.

[2] The allegations as projected through suo-motu FIR lodged by S.I. Pankaj Biswas of Agartala GRPS are that on the basis of a secret information, he detained the petitioner No.1 on 23.04.2026 at the main entrance of Agartala Railway Station and recovered cash amount of Rs.59,95,500/- from his trolley bag. It is also alleged that the petitioner No.1 on the previous day came to Agartala by flight and went to Belonia

and stayed in the official residence of petitioner No.2 who at that time was working as DFO, South Tripura. Petitioner No.1 arrived at the railway station in a vehicle displaying a protocol plate labelling "DFO, South Tripura" on the front. The vehicle was driven by a government driver and escorted by a person in uniform. Along with the bundles of currency notes, as alleged, some chits of papers with writings 'Eco Park Shantir Bazar Beat' and 'FCA Shantirbazar Branch' etc. were also found. He was accordingly arrested on 23.04.2026.

[3] Mr. M. Harit, learned counsel appearing for the petitioner No.1 submits that in the railway station the police officials were in the civil dress. Therefore, apprehending that the cash money may be looted by miscreants, petitioner No.1 tried to escape and if he would know that those persons were police personnel, certainly he would cooperate with them. Referring to several RORs standing in the name of petitioner No.1 and his close relations, learned counsel submits that the petitioner No.1 has huge land properties for onion cultivation and he has transport business also. Moreover, he is a Sarpanch of his village. The petitioner No.1, learned counsel submits, came to Agartala to collect dues from his customers and took a night halt at Belonia in the official residence of the petitioner No.2 who is his close relative and on the following day, he was returning to Nashik and therefore, there was no mala-fide on his part. Learned counsel argues that there is no ingredient in this case to attack Sections 7, 7A & 8 of PC Act.

[4] Learned counsel, Mr. Harit relies on the decisions of the Hon'ble Supreme Court in the cases of **Neeraj Dutta vs. State (Government of NCT of Delhi), (2023) 18 SCC 251**; **K. Shanthamma vs. State of Telengana, (2022) 4 SCC 574**; **B. Jayaraj vs. State of Andhra Pradesh, (2014) 13 SCC 55**; **P. Satyanarayana Murthy vs. District Inspector of Police, (2015) 10 SCC 152** to buttress his submission that where the ingredient of Section 7 of the PC Act is absent or is not established, Section 13 (1) (d) of the PC Act would not be attracted. Said provision of Section 13 (1) (d) later on omitted by amending the Act of 2018 with effect from 26.07.2018.

[5] In the case of **K. Shanthamma** (supra), it was held that where the demand of illegal gratification by the appellant was not proved by the prosecution, the demand which is *sine quo non* for establishing the offence under Section 7 was also not established. In similar line, in the case of **B. Jayaraj** (supra), it is also reiterated that the demand of illegal gratification is *sine qua non* to constitute offence under Section 7 of the PC Act. **K. Shanthamma** (supra) also deals with a situation where the provision of Section 13(1) (d) was involved and the Apex Court noted that the proof of demand of illegal gratification, is the gravamen of the offence under Sections 7 and 13(1)(d)(i) and (ii) of the Act and in absence thereof, the charge would not sustain.

[6] Mr. Harit, learned counsel also relies on a decision of the Hon'ble Supreme Court in the case of **Delhi Race Club (1940) Ltd. and others vs. State of U.P., (2024) 10 SCC 690**, wherein it is observed that

the criminal breach of trust and cheating are two distinct criminal offences and for cheating, criminal intention is necessary at the time of making a false or misleading representation i.e., since inception. In criminal breach of trust, mere proof of entrustment is sufficient.

[7] Mr. Harit, learned counsel further relies on the decisions of the Hon'ble Supreme Court in the cases of **Sanjay Chandra vs. Central Bureau of Investigation, (2012) 1 SCC 40**; **Manish Sisodia vs. Directorate of Enforcement, (2024) 12 SCC 660**; **Prem Prakash vs. Union of India through the Directorate of Enforcement, (2024) 9 SCC 787** to gain support of his submission that bail is the rule and jail is the exception.

[8] Mr. Harit, learned counsel finally relies on a decision of the Constitution Bench of Hon'ble Supreme Court in the case of **Sushila Aggarwal vs. State (NCT of Delhi) and another, (2020) 5 SCC 1**, wherein the Constitution Bench held that while granting pre-arrest bail the Courts ought to be generally guided by the considerations the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case; and anticipatory bail should not be "blanket" in the sense that it should not enable the accused to commit further offences and claim relief of indefinite protection from arrest.

Basically this decision deals with the prayer for pre-arrest bail though Mr. Harit, learned counsel gave emphasis on triple test regarding granting of bail.

[9] Mr. P.K. Biswas, learned senior counsel seeking pre-arrest bail for the petitioner No.2 argues that there is no single incriminating material against the petitioner No.2 that he was involved in any such alleged offence but despite the same, learned Addl. Sessions Judge has rejected his bail prayer. Learned senior counsel also in the similar line submits that the money recovered was the sale proceeds of onion of the petitioner No.1 who is the maternal uncle of the petitioner No.2. The said uncle simply came and stayed in the residence of the petitioner No.2 and out of courtesy, he provided petitioner No.1 his vehicle to give him lift to the railway station at Agartala. Learned senior counsel also argues that the bail objection was filed by the investigating officer before the learned Addl. Sessions Judge and in that objection, there was no whisper that the petitioner No.2 had collected money under corrupt means or by taking bribes. According to learned senior counsel, the police also seized all the bank accounts of the petitioner No.2 but no disproportionate asset was found. Moreover, there is no allegation that any property was entrusted to him and he has misappropriated the same and therefore, there is no foundation of the allegation of criminal breach of trust. Both Sections 369 and 389 of BNS are also not attracted. Learned senior counsel also argues that there was no CCTV camera installed in the residence of the petitioner No.2 and moreover, notice being issued to him, on 3[three] occasions, the petitioner No.2 appeared before the investigating officer and he cooperated with the investigation but now he is apprehending arrest.

[10] In support of submissions, Mr. Biswas, learned senior counsel relies on a decision of the Hon'ble Supreme Court in the case of **Sudesh**

Kedia vs. Union of India, 2021 CRI. L.J. 2396, wherein it is observed that while considering the grant of bail under Section 43-D(5) of Unlawful Activities (Prevention) Act, it is bounden duty of the Court to apply its mind to examine the entire material on record for the purpose of satisfying itself, whether a prima facie case is made out against the accused or not.

[11] In the case of **Lalita Kumari vs. Government of U.P. & Ors., AIR 2014 SC 187** as relied on by Mr. Biswas, learned senior counsel, at paragraph No.98, it is observed by the Constitution Bench that while registration of FIR is mandatory, arrest of the accused immediately on registration of FIR is not at all mandatory. In fact, registration of FIR and arrest of an accused person are two entirely different concepts under the law, and there are several safeguards available against arrest.

[12] Mr. Biswas, learned senior counsel also relies on the decision of the Hon'ble Supreme Court in the case of **Satender Kumar Antil vs. Central Bureau of Investigation and another, AIR 2022 SC 3386**, wherein at paragraph No.11, as relied by him, the above said principle is also again reiterated that the bail is the rule and the jail is the exception.

[13] Learned senior counsel also relies on another decision of the Hon'ble Supreme Court in the case of **Dr. Subhash Kashinath Mahajan vs. State of Maharashtra and another, (2018) 6 SCC 454**, wherein in dealing with SC & ST (Prevention of Atrocities) Act, it is observed that inclusion of Section 438 of Cr.P.C applies when a prima facie case of commission of offence under the said Act is made out. The reason for referring this decision, as submitted by Mr. Biswas, leaned senior counsel

is that if there is no prima-facie materials against the accused regarding his involvement in any offence, there is no bar to grant pre-arrest bail to him even if the case is registered under any special Act.

[14] Finally, Mr. Biswas, learned senior counsel relies on a decision of the Hon'ble Supreme Court in the case of **Sudhir Kumar Singh vs. the State of Jharkhand, Criminal Appeal No..... of 2026 @ Special Leave Petition (CRL.) No.(S) 2797 of 2026**, decided on **25.03.2026** to show that even a case relating to economic offence, the Hon'ble Supreme Court granted bail to the accused as he was cooperating with the investigation which was also admitted by the State respondents. In said case, the accused was already under interim bail.

[15] Mr. R. Datta, learned P.P. appearing for the State however seriously opposes both the bail prayers, submitting that the petitioner No.1 in the bail application has stated nothing about the source of such huge amount of money though he is under obligation to disclose the same. Learned P.P. submits that though the petitioner No.1 argues that he collected the said money as the sale proceeds of onion from Agartala but neither he has produced any document in support of such collection of money nor has disclosed the name of any person as his customer(s) from whom he has collected said huge cash amount. Learned P.P. further referring to the relevant pages of the case diary submits that there are sufficient materials against both the accused persons regarding their involvement in the alleged offence and such offences are very serious in nature touching the publication administration as well as the public money

which were being siphoned by the accused persons by indulging in huge corruption and therefore, both the bail prayers may be rejected.

[16] Learned P.P. relies on the following decisions:

(i) **Mr. Y.S. Jagan Mohan Reddy vs. Central Bureau of Investigation, (2013) 7 SCC 439 (P.34)**- In this case, it is observed that economic offences constitute a class apart and need to be visited with a different approach in the matter of bail.

(ii) **P. Chidambaram vs. Directorate of Enforcement, (2019) 9 SCC 24 (P.80)**- In this case, it is observed as under:

“5. The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community.”

(iii) **Tarun Kumar vs. Assistant Director, Directorate of Enforcement, (2024) 13 SCC 788 (P.21)**- In this case the same principle is also reiterated that economic offences constitute a class apart and need to be visited with a different approach in the matter of bail.

(iv) **State of Bihar and another vs. Amit Kumar @ Bachcha Rai, (2017) 13 SCC 751 (P.9)**- In the said case it was also observed that the accused was charged with economic offences of huge magnitude and was alleged to be the kingpin/ringleader. The Hon'ble Supreme Court considering the gravity of the offence and other crucial factors rejected the bail application.

(v) **Nimmagadda Prasad vs. Central Bureau of Investigation, (2013) 7 SCC 466 (P.25)**- In this case also, it is similarly reiterated that that economic offences are required to be visited with a different approach in the matter of bail, such offence having deep-rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as a grave offence affecting the economy the country as a whole.

(vi) **Ashwini Kumar Patra vs. Republic of India, 2021 SCC OnLine Ori 439 (P.17)**- In the said case, the bail was rejected with observation that the crime was committed in a cool, calculated and organized manner causing loss of crores to the Bank. Granting bail to the petitioner in economic offences of this nature would be against the larger interest of public and State as it involves criminal misappropriation and cheating of huge amount of public money.

(vii) **Satender Kumar Antil vs. Central Bureau of Investigation and another, (2022) 10 SCC 51 (P.2)**- It is observed in this case that offences punishable with death, imprisonment for life, or imprisonment for more than 7 years or economic offences not covered by Special Acts, bail application to be decided on merit on appearance of the accused in the court pursuant to the process issued.

(viii) **Central Bureau of Investigation vs. Santosh Karnani and another, 2023 SCC OnLine SC 427 (P.31)**- It is held that corruption poses a serious threat to our society and must be dealt with iron hands. It

not only leads to abysmal loss to the public exchequer but also tramples good governance.

(ix) **Devinder Kumar Bansal vs. State of Punjab, (2025) 4**

SCC 493 (P.21)- It is held that parameters for grant of an anticipatory bail in a serious offence like corruption are required to be satisfied. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has been falsely enroled in the crime or the allegations are politically motivated or are frivolous.

[17] This Court has traversed into the materials placed in the case diary. There are prima-facie materials that the petitioner No.1 from Agartala Airport directly came to the official quarters of the petitioner No.2 at South Tripura by a vehicle sent by the petitioner No.2 at Agartala airport. Nothing is there that during his visit, he collected money from any of his customers at Agartala. There are also prima-facie materials that the petitioner No.1 after being detained by the police was not agreeing to get his bag searched by the police and that after his detention by the police, the petitioner No.2 through his labourer immediately removed the CCTV cameras from his official residence. There are statements that during his posting as DFO, South Tripura, the petitioner No.2 collected bundles of currencies from different persons. There are also materials that petitioner No.1 arrived at Agartala airport with a small bag, and the trolley bag, which was found in the hand of the petitioner No.1 in the railway station with cash was the personal bag of the petitioner No.2. Prima-facie materials are also there that the air ticket as well as the train ticket of the petitioner No.1 were

purchased by the petitioner No.2. There are also materials that the petitioner No.1 collected huge cash money from a third party sitting in the quarters of the petitioner No.2 itself for getting one tender passed in favour of said person by the petitioner No.2. Though the petitioner No.1 has taken the plea that he had collected such huge money from his customers at Agartala concerning his business of onions, nothing except such a vague assertion has been placed before the Court to justify the same. All these circumstances strongly go against both the petitioners.

[18] Considering the gravity of offence and also the materials as available in the case diary, it appears to this Court that these are not fit cases to grant bail to any of the accused persons.

With this observation, both the bail applications of petitioner Nos.1 and 2 are rejected.

Reconsign the trial Court records with a copy of this order.

Return the C.D forthwith with a copy of this order.

Pending application(s), if any, also stand disposed of.

JUDGE