

Party Name : DHANES CH. ROY Vs THE STATE OF TRIPURA

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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This is an application for grant of anticipatory bail in respect of FIR No.089 of 2014 lodged with the Kadamtala Police Station registered under section 409 read with section 34 of the Indian Penal Code (IPC).

The allegations in the plaint, briefly stated, are that a complaint was received from the District Education Officer concerned to the effect that one Sri Kumud Ranjan Debnath, a retired teacher, had withdrawn cash amount of Rs.1,50,000/- from GPF account on 12-0-2006. The then Head of Office and DDO, Sri Sudhindra Kr. Baidya, Headmaster of the Pratyekroy H.S. School had sanctioned the bill and amount was paid to Sri Kumud Rn. Debnath. According to the prosecution, Kumud Rn. Debnath withdrew Rs.50,000/- from GPF account on 14-02-2007. Subsequently, on the eve of his retirement, said Kumud Rn. Debnath applied for release of 90% of the final GPF withdrawal amounting to Rs.2,74,000/-. On the basis of his application, the amount of Rs.2,74,000/- was sanctioned and paid to Kumud Rn. Debnath in two installments. One amount of Rs.1,01,000/- was paid on 14-08-2007 and the second amount of Rs.1,73,000/- was paid without any authentication by the concerned Head of Office and DDO. It is alleged that when the police inquired into the matter, Kumud Rn. Debnath denied receiving the second amount of Rs.1,73,000/-. The present petitioner was holding the charge of Cashier, Brajendranagar H.S. School and it is alleged that he conspired with Sri Sasanka Sekhar Das, the then Head of Office and DDO, to misappropriate the Government money.

It would be pertinent to mention that no complaint was made by Kumud Rn. Debnath but the complaint was made at a later stage by the police. It would also be pertinent to mention that both Sri Kumud Rn. Debnath and Sri Sasanka Sekhar Das were granted anticipatory bail. One of them was granted bail by the Session Court and another by the High Court. The position of the petitioner is identical to the other two co-accused and I see no reason why he should be denied the benefit of bail.

Therefore, it is ordered that in the event of his arrest, the petitioner shall be enlarged on bail on his furnishing a bail bond in the sum of Rs.50,000/- (rupees fifty thousand) with one surety in the like amount to the satisfaction of the Arresting Officer subject to the following terms and conditions:-

- (i) That, the petitioner shall appear before the Investigating Officer at 11.00 a.m. on Monday (19.01.2015). He shall also appear before the Investigating Officer on every subsequent date for which a written notice is served upon him;
- (ii) The petitioner is further directed not to tamper with or in any manner influence the prosecution witnesses;
- (iii) The petitioner is further directed not to in any manner try to influence any of the prosecution witnesses;
- (iv) The petitioner is further directed not to cause any hindrance in the investigation;
- (v) The petitioner shall not leave Tripura without permission of the appropriate Court;
- (vi) In case, the petitioner violates any of the conditions or tries to delay the trial the prosecution shall be at liberty to apply for cancellation of bail.

The privilege of the anticipatory bail shall be available to the petitioner till charge-sheet is filed whereafter he shall have to apply for regular bail before the appropriate Court.

On the petitioner filing application for supply of the copy on payment of appropriate fees, the copy of the same shall be supplied to the petitioner by tomorrow.