

THE HIGH COURT OF TRIPURA
AGARTALA

B.A. 22 of 2015

Smti Rubi Sribastav (Das),
W/O. Sri Arjun Das,
Resident of Kalirbazar,
P.O. & P.S. – Santirbazar,
District – South Tripura.

..... *Petitioner*

For and on behalf of

Sri Arjun Das,
Son of Sri Arun Ch. Das
Resident of Kalirbazar,
P.O. & P.S. – Santirbazar,
District – South Tripura.

..... *Accused*

- Vs -

The State of Tripura

..... *Respondent*

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the petitioner : Mr. P.K. Biswas, Sr. Advocate.
Mr. P.Majumder, Advocate.
Ms. C. Bhowmik, Advocate.

For the respondent : Mr. R.C. Debnath, Addl. P.P.

Date of hearing : 18.03.2015.

Delivery of order : 27.03.2015.

Whether fit for reporting : No

ORDER

The petitioner has filed this bail application praying that her husband Arjun Das be released on bail.

2. The prosecution case, briefly stated is that Sri Arjun Das was working as Programme Assistant in Satchand R.D. Block. It is alleged that misusing his position and the fact that he was one of the few persons knowing computers the petitioner misused the digital signature certificates issued to him and to the other officers and thereby transferred a sum of Rs.7,00,000/- to his own account and the account of his wife Smt. Rubi Sribastav, who has filed the present petition on his behalf.

3. I have called for the records of the case and I found that huge amounts of money have been transferred into that account of the petitioner and his wife. One fails to understand how these amounts could have been transferred into the account of the petitioner. Assuming that the wife of the petitioner was a vendor and was entitled to some amount then also there is no explanation why any amount was transferred in the account of the petitioner.

4. Faced with this situation, Mr. P.K. Biswas, learned counsel submitted that even if there is an offence, the petitioner should not be kept behind bars and he relied upon the judgment of the Apex Court in **AIR 1984 SC 372, Bhagirathsinh Judeja v. State of Gujarat** wherein the Apex Court held that even where a prima facie case is established the approach of the Court in the matter of bail is not that the accused should be detained by way of punishment. He has also relied upon the judgment of the Apex Court in **2012 CRI.L.J. 702, Aanjay Chandra v. Central**

Bureau of Investigation with Vinod Goenka v. Central Bureau of Investigation with Gautam Doshi v. Central Bureau of Investigation with Hari Nair v. Central Bureau of Investigation with Surendra Pipara v. Central Bureau of Investigation, wherein in a case relating to the financial scam, the Supreme Court granted bail. Reference has been made to Paras 14, 15 and 16 of the said judgment.

5. Each case has to be decided on its own facts. As far as the present case is concerned, the investigation is still going on and is not complete. The police still has to determine how the funds were transferred. What was the modus operandi? Furthermore, I am of the opinion that in cases like the present one where funds meant for the poorest of the poor are misappropriated leniency cannot be shown at the stage.

6. Therefore, the bail application is rejected with liberty reserved to the petitioner to apply for bail after the charge sheet has been filed and such application shall be filed before the Trial Court dealing with said case, who may then decide whether the petitioner is to be released on bail or not in accordance with law.

CHIEF JUSTICE

sima