

Party Name : DEBMALYA DAS Vs THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This application for grant of anticipatory bail has been filed by the accused-applicant, (Devmalya Das) in respect of Kailashahar Police Station Case No.140 of 2014 registered on 15th November,2015 against the accused-applicant under Section 420 of IPC.

The prosecution story briefly stated is that the accused-applicant is a Government servant and working in the office of the Chief Medical Officer, Kailashahar. According to the prosecution, the father-in-law of the accused-applicant is a political leader having close connection with the ruling party. The informant filed a case that the accused-applicant told the informant and other witnesses that the accused-applicant could use the influence of the father-in-law who was a political leader to get them Govt. jobs. Believing the accused-applicant the informant and other witnesses advanced money to the accused-applicant. As per the allegations the total amount advanced is Rs.15,75,000/- and one of the witnesses also give 4(four) varis of gold.

This Court is not expressing any opinion on the merits of the case which will have to be decided on the basis of the evidence led. However the case diary does reflect that the complainant and a number of witnesses have clearly stated that the accused-applicant took money from them by promising them that he would arrange Govt. job.

The accused-applicant has not joined duty since the date when case was filed. From the record it is apparent that whenever the police went to his house to investigate the case he was not found at his house. I am clearly of the view that in an offence of this nature and in a case where the accused-applicant despite being a Govt. Servant has successfully managed to avoid the police for more than 6(six) months prima facie shows that he is avoiding arrest and, therefore, the application for grant of anticipatory bail is rejected.

The accused-applicant is directed to surrender and thereafter the Magistrate will deal with the matter in accordance with law.

Application is disposed of.