

Party Name : LAXMI RANI BHOWMIK ON BEHALF OF ACCD. JIBAN BHOWMIK Vs THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This petition for grant of bail by the petitioner Smt. Laxmi Rani Bhowmik has been filed on behalf of the accused Sri Jiban Bhowmik in respect of Bishalgarh Police Station Case No.135 of 2014 (Special Case No.1 of 2015) dated 19.9.2014 registered under Sections 120B/409/420 IPC r/w Section 13(1)(c) and 13(1)(d) r/w Section 13(2) of the Prevention of Corruption Act, 1988.

2. The prosecution case allegedly is that there was a huge financial scam in Bishalgarh Block. Shri Bimal Chakraborty was the Block Development Officer(B.D.O) of the said Block and various other persons were working under him. It is alleged that various projects to be implemented under the MGNREGS, PDF, TFC etc. were being undertaken and funds meant for utilization in these Schemes were misutilized.

3. This is a huge scam which has taken place in the State. As far as the present bail application is concerned, there is more than one charge sheet filed against the petitioner all arising out of the same FIR. I have gone through all the charge sheets. It is alleged that the works for which payment have been made were not at all undertaken but the implementing officer raised the bills and the BDO in question sanctioned payment of the bills. The petitioner is a Lower Division Clerk (LDC) in the Rural Development (RD) Department and he was in-charge of the MPLADS, IAY, AWC, 13th Finance Commission, NRCPR etc. schemes. His role in the scam is limited to the effect that he has processed the requisitions submitted by the Investigating Officer and thereafter the BDO has sanctioned payment of the same. In all the charge sheets the allegations against him are similar.

4. I had specially asked the State to submit any document to show whether the accused Jiban Bhowmik was required to verify the fact whether the work has been completed or not . No such order has been placed before this Court. At this stage this Court is not going into the merits of the allegations. The accused has been behind bars since 15.6.2015 i.e. for about 2 months. Investigation is complete. His role, if any, was a very limited role. Petitioner has his roots in Tripura. There is very little chance of his absconding. He cannot influence the prosecution witnesses. Therefore, the accused person namely **Jiban Bhowmik** is ordered to be enlarged on bail on his furnishing a bail bond of **Rs.50,000/-(Rupees fifty thousand)** with one surety of the like amount to the satisfaction of the trial Court subject to the following terms and conditions :

(i) That the accused shall co-operate with the investigating agency in the further investigation of other matters arising out of the same FIR.

(ii) That, the accused person is directed not to tamper with or in any manner influence the prosecution witnesses;

(iii) That, the accused shall ensure that no threat directly or indirectly is given to;

(iv) The accused is further directed not to cause any hindrance in the investigation;

(v) The accused shall not leave Tripura without permission of the appropriate Court;

(vi) The accused shall not try to meet any of the witnesses of the case nor any of the relatives of the co-accused Bimal Chakraborty.

(vii) In case, the accused violates any of the conditions or try to delay the trial, the prosecution shall be at liberty to approach this Court for cancellation of bail.

5. The bail application is disposed of in the aforesaid terms.

6. 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.