Case No :BA 0000058/2015

Party Name : RABINDRA CH. PAUL ON BEHALF OF ACCD. GOURANGA PAUL Vs THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This petition for grant of bail by the petitioner Sri Rabindra Chandra Paul has been filed on behalf of the accused Sri Gouranga Paul 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/409/420/468/471 IPC r/w Sections 13(1)(c),13(1)(d) and 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.

4. The petitioner is a businessman. According to the petitioner, he supplies vehicles on hire to the department and he was paid some amounts which were to be paid for hiring of the vehicles. Admittedly, these vehicles do not belong to the petitioner but the admitted case is that some vehicles were been hired through him.

5. However, the *modus operandi* of these payments casts a doubt on the role of the petitioner. The payments were first made into the account of one 'Joyram Hardwires'. From the account of Joyram Hardwires the payment was made to the account of the petitioner. In case this payment was in respect of hiring of vehicles, I see no reason why it should have been made through the account of Joyram Hardwires. The payments relate to work done under the MGNREGS scheme and even if it is admitted that the petitioner was doing some work for the BDO of hiring vehicles it cannot be understood how this payment could be made to the petitioner out of MGNREGS funds.

6. The petitioner who is a business man is expected to ensure that payments which are made to him come out of legal sources. At this stage, I am not going into the merits of this case but the fact remains that the petitioner had nothing to do with any of the schemes i.e. MGNREGS, PDF, TFC etc. He had no business of receiving any money under these schemes. Investigation has to be carried out with regard to other payments where also the petitioner may be involved and at this stage, it cannot be said with certainty that he is totally innocent.

7. Therefore, I find no merit in the bail application which is, accordingly, rejected at this stage.