THE HIGH COURT OF TRIPURA
A G A R T A L A

A.B. 52 of 2015

Shri Rajesh Debnath,
Son of Shri Rasharaj Debnath,
Resident of Village Surendranagar,
P.O- Kakraban, P.S.-Kakraban,
District- Gomati, Tripura.

...... ***Petitioner.***

– V e r s u s –

The State of Tripura,
represented by the Secretary,
Home Department,
Government of Tripura,
Agartala, West Tripura.

..... ***Respondent.***

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the petitioner	: Mr. A. Lodh, Advocate. Mr. S. Debnath, Advocate.
For the respondent	: Mr. R.C. Debnath, Addl. P.P.
Date of hearing	: 22.07.2015
Date of delivery of order	: 23.07.2015.
Whether fit for reporting	: **NO**.

O R D E R

This petition for grant of anticipatory bail has been filed by the petitioner in respect of Teliamura Police Station Case No. 76 of 2013 under Sections 120(B)/420/468/34 of the Indian Penal Code (IPC).

2. The petitioner was provisionally appointed as Area Manager of one company known as Jeevan Suraksha Group on 08.7.2011. Jeevan Suraksha Group was a non-banking financial company and money used to be collected from members of the public who were told that the amount would be refunded to them with lot of benefits. The petitioner admittedly worked as agent and collected money from the deposit holders and he also used to pay money to the deposit holders on maturity of their certificates.

3. The case of the petitioner is that in the year 2012, he and other employees of the Jeevan Suraksha Group were informed that there was some shortage of fund and payments on maturity of these schemes/certificates should be made to the policy holders from the funds collected under the new policies. Later, the promoters of the company vanished without returning the money of the deposit holders.

4. At the outset, it may be noticed that the complaint has been filed by the petitioner himself under Section 200 Cr.P.C. The police had not lodged the complaint. In the complaint the complainant himself has given details about the Directors of the company and the nature of the transactions. Now the complainant himself has been made an accused and the main ground appears to be that in his personal savings bank account there is a transaction of huge amounts of

money exceeding Rs. 1 crore. The version of the plaintiff is that the company had no separate bank account and he was depositing the amounts received from the policy/certificate holders and depositing in his own account and was also making payments to the deposit holders on maturity of their certificates on the same account. He states that he has not even taken one penny out of this amount. This Court at the stage of bail is not commenting on the merits of the case.

5. At this stage, the police has not collected any evidence that the petitioner had siphoned away any money of the depositors. The main grievance of the prosecution appears to be that the money has gone out from the account of the accused.

6. I am of the considered view that the police should make more effort to trace out the promoters of the Company who are the main criminals and should not be satisfied by arresting small fry like the present petitioner. At the cost of repetition, it may be stated that it is the petitioner who lodged the complaint. He has also been cooperating with the investigation agency.

7. 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.20,000/- (rupees

twenty 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 whenever 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;

(vii) In case, during further investigation some evidence comes to the knowledge of the police that the petitioner has himself taken away funds in excess of his salary, then the prosecution is at liberty to approach this Court again for recalling this order and cancelling the bail.

8. 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.

CHIEF JUSTICE