

Party Name : JOYSREE ROY (PAUL) ON BEHALF OF ACCD SRI GOUTAM PAUL Vs THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This is an application for grant of bail filed by the petitioner Smt. Joysree Roy (Paul) on behalf of accused Sri Goutam Paul in connection with Bishalgarh Police Station Case No.135 of 2014 registered against the accused and many other persons under Section 409/468/471 read with Section 34 IPC and Section 13 of the Prevention of Corruption Act, 1988.

The accused has been behind bars since 29th November, 2014. The allegations against him had led to the filing of two charge sheets against him. In one charge sheet he is alleged to have defalcated Rs.10,69,000/- and another charge sheet he is alleged to have defalcated Rs.25,10,613/-. According to the State, the accused refunded an amount of Rs.6,00,000/- but still a huge amount has to be recovered from the accused.

Briefly stated, the allegations of the prosecution are that the then BDO, Sri Bimal Chakraborty in connivance with the present accused and many other officials, business men, private contractors, Panchayat Secretaries etc. has defalcated more than three crores rupees out of the MGNREGS funds. As far as Bimal Chakraborty is concerned he has been enlarged on bail. Though bail was granted to Bimal Chakraborty on a technical ground but the fact remains that the Bimal Chakraborty is on bail.

As far as the present petitioner is concerned he is a Jr. Mechanic and charge sheets have been filed in both the cases against him. No further investigation is required. Therefore, I feel that keeping in view the period of more than 8(eight) months which he has already spent it is a fit case where the accused should be released on bail.

Accordingly, the bail application is allowed and the accused, Sri Goutam Paul is ordered to be released on bail on his furnishing bail bond in the sum of Rs.50,000/- (rupees fifty thousands) with two sureties in the like amount to the satisfaction of the learned Trial Court undertaking therein:-

- (i)** That, the accused is directed not to tamper with or in any manner influence the prosecution witnesses;
- (ii)** That, the accused shall ensure that no threat directly or indirectly is given to any of the prosecution witnesses;
- (iii)** The accused is further directed not to cause any hindrance in the investigation;
- (iv)** The accused shall not leave Tripura without permission of the appropriate Court;
- (v)** The accused person shall appear before the trial Court on each and every date of hearing. In case, he absent himself on any date, then the trial Court shall cancel the bail and the accused shall be arrested. Thereafter, the petitioner-accused shall have to approach this Court for grant of bail;
- (vi)** In case, the accused person violates any of the aforesaid conditions or tries to delay the trial then the prosecution shall be entitled to approach this Court for cancellation of the bail.

With these observations, the bail application is disposed of.

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.