

Case No :BA 0000071/2015

Party Name : SUKHENDU BIKASH PAUL ON BEHALF OF ACCD. NIBASH CH. PAUL Vs
THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This petition for grant of bail has been filed by the petitioner Sri Sukhendu Bikash Paul on behalf of accused Sri Nibash Ch. Paul who was working as Junior Mechanic at Bishalgarh in connection with Bishalgarh Police Station FIR No.135 of 2014 registered under sections 409/468/471/34 of the Indian Penal Code (IPC).

An F.I.R. was filed in which it was alleged that the B.D.O., Bishalgarh in conspiracy with a large number of other persons had defalcated huge amounts of money amounting to more than Rs.3 crores relating to MGNREGA funds etc.

I am not going into the merits of the case because I am inclined to grant bail in this case only on medical grounds. The Medical Status Report of the accused furnished by the Medical Officer-in-Charge, Kendriya Sansodhanagar, Tripura, Bishalgarh reads as follows:-

"Medical status report in respect of Sri Nibash Ch. Paul, U.T. Prisoner:

Sri Nibash Ch. Paul U.T. Prisoner suffering from conservative, pain in right upper leg difficulty in walking and eye problems. 1st he was sent to AGMC & GBP Hospital, Agartala, Eye OPD/Ortho OPD/MOPD on 03.03.2015, 2nd he was sent to AGMC & GBP Hospital, Agartala Eye OPD/ortho OPD on 24.03.2015. Thirdly, he was sent to AGMC & GBP Hospital, Agartala ortho OPD/MOPD on 07.04.2015. Fourthly, he was sent to AGMC & GBP Hospital, Agartala MOPD on 22.04.2015.

And from 26.04.15 to 23.05.15 he was admitted to AGMC & GBP Hospital, Agartala (Medicine Ward) then on 10.06.2015 he was sent to AGMC & GBP Hospital, Agartala MOPD. Then on 24.06.2015 he was again sent to AGMC & GBP Hospital, Agartala MOPD and from 11.07.2015 to 18.07.2015 he was admitted to AGMC & GBP Hospital, Agartala (Medicine Ward) and on 25.07.2015 he was sent to AGMC & GBP Hospital, Agartala MOPD and that medicine is continuing. Extra many times patient was sent to AGMC & GBP Hospital, Agartala for examination purpose.

Nibash Ch. Paul, U.T. Prisoner attended AGMC & GBP Hospital, Agartala on the following dates

1. 03.03.2015 : Eye OPD/Ortho OPD/MOPD.
2. 24.03.2015 : Eye OPD/Ortho OPD.
3. 07.04.2015 : Ortho OPD/MOPD.
4. 22.04.2015 : MOPD.
5. 26.04.2015 to 23.05.2015 : Admitted Medicine Ward GBP Hospital, Agartala.
6. 10.06.2015 : MOPD.
7. 24.06.2015 : MOPD.
8. 11.07.2015 to 18.07.2015 : Admitted Medicine Ward GBP Hospital.
9. 25.07.2015 : MOPD.
10. Extra many times patient was sent to GBP Hospital for Observation/examination.

On examination:

BP-140/90 MMHG

Pulse-100/min

Chest-clear

CVS-S1S2(+ve)

CNS-conscious, oriented

P/A-soft, distended

Oedema of both leg

Icterusus (++)

K/C/O-ALD, CLD with PHTN with Ascities

C/O-swelling of both leg

- Yellow colour of urine,

-

Appetite

Rx

To continue same medicine as advised in discharge ticket of AGMC & GBP Hospital, Agartala on 25.07.2015.

Sd/-(05.08.15)

Medical Officer-in-Charge,

Kendriya Sansodhanagar

Tripura, Bishalgarh."

A perusal of this report shows that the petitioner is very seriously ill. He has been regularly visiting the hospital and he was admitted to the Medicine Ward for almost one month from 26.04.2015 to 23.05.2015 and again for one week from 11.07.2015 to 18.07.2015.

Keeping in view the serious nature of his illness and the continuous treatment, I feel that this is a fit case to grant bail to the accused totally on medical and humanitarian grounds.

Therefore, the accused Nibash Ch. Paul is directed to be enlarged on bail on his furnishing bail bond in the sum of Rs.1,00,000/- (rupees one lakh) with two sureties each 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 and in case, it is found that he is referred for treatment outside Tripura then the Court shall grant permission to the accused;
- (v) The accused shall appear before the trial Court on each and every date of hearing. In case, he absents himself on any date, then the trial Court shall cancel the bail and the accused shall be arrested. Thereafter, the said person shall have to approach this Court for grant of bail;
- (vi) In case, the accused violates any of the conditions or tries to delay the trial, the prosecution shall be at liberty to apply for cancellation of 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.