Case No :BA 0000078/2015

Party Name : SITA DEB ON BEHALF OF ACCD. PRADIP DEB Vs THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This bail application arises out of Bishalgarh Police Station Case No.135 of 2014 [re-numbered as Special Case No.1(PC Act) of 2015] dated 19.9.2014 registered under Sections 409/468/471/34 of IPC.

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.

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 businessman. He has an electrical shop and does work of a contractor. Admittedly, he had nothing to do with any of the schemes from which payment was made to him. In the charge sheets it has been stated that though no work was undertaken but Government money was siphoned out and paid to the petitioner Sri Pradip Deb. It is also alleged that he had made some supplies of air conditioners etc. in the residence of the BDO and these payments were made for the material supplied. It is contended on behalf of the petitioner that he had done some work of electricity and payments were made to him for that work and therefore, he is not guilty.

On 20th July, 2015, this Court had rejected the bail application of the petitioner only on the ground that the petitioner who is a businessman is expected to ensure that payments are made to him out of legal sources and that investigation was still to be carried out with regard to some other payments.

Now Charge sheets have been filed against the accused. Investigation is complete and therefore, there is no question of any further investigation being done. The petitioner has been behind bar more than 118 days. The main accused of this scam namely, Sri Bimal Chakraborty is out of jail and therefore, I see no reason when the main accused is on bail why the other co-accused should not be granted bail.

Therefore, the accused is directed to be enlarged on bail on his furnishing bail bond in the sum of Rs.25,000/- (rupees twenty five thousand) 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 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 petitioner shall have to again 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.