

Party Name : SAJAL DEBBARMA FOR AND ON BEHALF OF ACCUSED SHYAMAL DEBBARMA & ANR. Vs STATE OF TRIPURA

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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This is an application for grant of bail filed by the petitioner Sri Sajal Debbarma on behalf of accused Sri Shyamal Debbarma and Sri Sarada Debbarma in connection with Bishalgarh Police Station Case No.135 of 2014 [re-numbered as Special Case No.1(PC Act) of 2015] 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 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.

As far as the present accused persons are concerned they are Gram Rujgar Sevak (GRS) and charge sheet has been filed against them. No further investigation is required. The accused persons have been behind bar for more than 9(nine) months. 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 namely, Sri Shyamal Debbarma and Sri Sarada Debbarma are directed to be enlarged on bail on their furnishing bail bonds in the sum of Rs.25,000/- (rupees twenty five thousand) each with two sureties in the like amount to the satisfaction of the learned trial Court undertaking therein:-

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