

Party Name : RINA AKTAR ON BEHALF OF MAFIZ MIAH Vs THE STATE OF TRIPURA

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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Heard learned counsel for the parties.

These five applications for grant of bail are being disposed of by a common order since they all arise out of the same police station case number and is filed by the petitioner Smt. Rina Aktar on behalf of accused Sri Mafiz Miah in connection with Bishalgarh Police Station Case No.135 of 2014 corresponding to Special Case No.13(PC Act) of 2015, No.12(PC Act) of 2015, No.08(PC Act) of 2015, No.20(PC Act) of 2015 and No.19(PC Act) of 2015 registered against the accused and many other persons under Sections 409/468/471 read with Section 34 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.

As far as the present accused person is concerned he is a Mason and has been behind bars since 25.08.2015

Charge sheet has been filed against him. No further investigation is required. 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 Mafiz Miah 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 person is directed not to tamper with or in any manner influence the prosecution witnesses;
- (ii) That, the accused person shall ensure that no threat directly or indirectly is given to any of the prosecution witnesses;
- (iii) The accused person is further directed not to cause any hindrance in the investigation;
- (iv) The accused person 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 person shall be arrested. Thereafter, the petitioner shall have to again approach this Court for grant of bail;
- (vi) In case, the accused person 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 applications are 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.