

Party Name : PARTHA PRATIM SAHA Vs THE STATE OF TRIPURA

THE HONBLE MR. JUSTICE S.C.DAS

Heard learned counsel, Mr. D.C Roy for the petitioner and learned Addl. P.P. Mr. R.C. Debnath for the State-respondent.

This is a petition under Section 438 of CrPC praying for bail of accused petitioner Partha Pratim Saha in the event of arrest in connection with Kamalpur P.S. Case No. 109 of 2013 registered under Sections 420,120(B) of IPC and Section 3 of Tripura Protection of Interest of Depositor (In Financial Establishment) Act, 2000.

It is submitted by Mr. Roy, learned counsel for the petitioner that the F.I.R was lodged on 08.11.2013 and the accused-petitioner has not been arrested by the police till today.

The accused-petitioner earlier also moved this Court and his bail prayer was rejected by order dated 11.08.2014. He has submitted that after long silence the investigating agency recently issued a notice to the accused-petitioner to appear before the investigating officer and, therefore, he is apprehending arrest and, hence he has filed the present Application.

Mr. Roy, learned counsel for the petitioner submits that the offence alleged is punishable less than seven years and, therefore, the petitioner may be released on bail since all the alleged incriminating documents have already been seized by the police and no fruitful purpose will be served in arresting and keeping the accused-petitioner in detention. He has referred the case of **Arnesh Kumar v. State of Bihar** reported in **(2014) 8 SCC 273**.

Learned Addl. P.P., Mr. R.C. Debnath produced the case diary and submitted that the accused was one of the directors of the fly by night company and huge amount was collected from the common people with the assurance of inflated interest and other benefits and huge fund of the company was transferred in the name of the accused-petitioner and further investigation has been taken up by a special investigation team and custodial interrogation of the accused is necessary to recover the amount of innocent depositors and, hence, he opposed the prayer of bail.

A similar bail application of this accused was rejected by order dated 11.08.2014. It was observed in that order that the accused-petitioner collected cash deposits assuring inflated interest and other benefits to the informant and other depositors and the depositors did not get their money. The company closed down its office at Kamalpur without making payment of the money collected from the depositors for which the criminal case has been registered and it is under investigation.

Mr. Roy, learned counsel has submitted that the petitioner was an employee of the company and he has already submitted resignation. Countering the submission Mr. Debnath, learned Addl. P.P. submitted that the petitioner was a director of the company and so he was responsible for the collection of cash deposits from the common people.

I have gone through the case diary and there are materials in the case diary that the accused-petitioner Partha Pratim Saha was involved in the collection of cash deposits from the common people at Kamalpur and so, I find no justification at all to grant anticipatory bail to the accused-petitioner. The case law submitted by learned counsel, Mr. Roy is carefully perused. The petitioner cannot get any benefit from that citation.

Considering all aspects, the prayer for granting anticipatory bail stands rejected.