

Party Name : RABINDRA CHANDRA PAUL Vs THE STATE OF TRIPURA

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THE HONBLE MR JUSTICE U. B. SAHA

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This application has been filed by the accused petitioner, namely, Rabindra Chandra Paul for granting him bail in connection with Bishalgarh P.S. Case No. 135 of 2014 (re-numbered as Special (P.C) No. 18 of 2015) under Sections 120B/409/420/468/471 read with Section 34 of IPC and Section 13(2), 13(1)(c) and Section 13(1)(d) 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 mis-utilized.

This is a huge scam which has taken place in the State. As for as the present bail application is concerned, there is more than one charge sheet filed against the accused 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 bill.

The accused is a businessman and according to the accused a cheque amounting to Rs.1,55,000/- was issued in favour of him. Admittedly, he had nothing to do with any of the schemes from which payment was made to him. In the charge sheet it has been stated that a cheque bearing No. 927588, dated 15.05.2013, amounting to Rs. 1,55,000/- was issued by Sri Partha Sarkar, Junior Mechanic and the BDO, for which the accused petitioner could not give any satisfactory reply.

Now charge sheet has been filed against the accused. Investigation is complete and therefore, there is no question of any further investigation being done. The accused was arrested on 12.10.2015 and till date the accused petitioner is in the custody. 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.

In view of the above, the accused petitioner, namely, Sri Rabindra Chandra Paul, is directed to be enlarged on bail on his furnishing bail bond in the sum of Rs. 25,000/- with two sureties in the like amount to the satisfaction of the learned trial Court undertaking therein:

- (1) That, the accused is directed not to tamper with or in any manner influence the prosecution witnesses;
- (2) That, the accused shall ensure that no threat directly or indirectly is given to any of the prosecution witnesses;
- (3) The accused is further directed not to cause any hindrance in the investigation;
- (4) The accused shall not leave Tripura without permission of the appropriate Court;
- (5) 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 for bail;
- (6) 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.