

Party Name : SHALAMIN MIAH 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, Md. Shalamin Miah, for granting him bail in the event of his arrest in connection with Bishalgarh P.S. Case No. 135 of 2014 (corresponding to Special (P.C) No. 13 of 2015 and Special P.C. No. 19 of 2015) under Sections 409/468/471 read with Section 34 of IPC and Section 13 of 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 petitioner is a mason by profession and he is discharging different construction works in different government offices. The petitioner also did construction work under Bishangarh Block Development Office and he has successfully completed all the works which were given to him by different offices at different points of time.

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 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, Md. Shalamin Miah, is directed to be enlarged on bail in the event of his arrest on furnishing bail bond in the sum of Rs. 25,000/- with two sureties in the like amount to the satisfaction of the arresting authority 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 of 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 anticipatory 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.