

Party Name : MITA MALAKAR Vs THE STATE OF TRIPURA

THE HONBLE MR. JUSTICE S.C.DAS

Heard learned counsel, Mr. D. Bhattacharji for the petitioner and learned P.P., Mr. A. Ghosh for the State respondent.

It is candidly submitted by learned counsel, Mr. Bhattacharji that the petitioner is named in the FIR, which was registered on 19.09.2014 for commission of offence punishable under Sections 409, 468, 471 IPC, read with Section 34 of IPC and Section 13 of the Prevention of Corruption Act.

It is submitted that the petitioner earlier moved this court on three occasions praying for direction to release her on bail in the event of her arrest. But on all those occasions her prayers were rejected. Mr. Bhattacharji, learned counsel submits that the petitioner has two children prosecuting studies at Kunjaban Kendriya Vidyalaya and their examination is fixed from 5th December, 2015 and the petitioner nursing her babies and, therefore, she may be released on pre-arrest bail. He has also submitted that arising out of the same FIR the investigating agency submitted as many as 25 charge sheets till today, whereas, the petitioner has not been charge sheeted till today, which shows that there is no material against the petitioner and hence, she may be released on bail.

Learned P.P., on the other hand, has submitted that there are enough materials against the petitioner for commission of offence punishable under Sections 468 and 471, read with Section 34 of IPC and the investigation against the petitioner also is going to be completed and I.O. is going to submit charge sheet against the petitioner within seven to ten days. Learned P.P., therefore, opposes the prayer of pre-arrest bail.

Copies of the previous orders passed by this court have been annexed by the petitioner. I, therefore, find no ground at all to grant anticipatory bail to the petitioner.

It is submitted by Mr. Bhattacharji, learned counsel that the accused persons who have been charge-sheeted, all have been released on bail. He has also submitted that some of the accused persons have been granted pre-arrest bail also. It is fairly conceded by learned P.P., that a large number of accused persons have been released on bail and some have been released on anticipatory bail also.

The case was registered on 19.09.2014. As submitted by learned P.P., investigation against the accused petitioner Mita Malakar has already been completed and only submission of charge-sheet is left.

Under such circumstances though I find no ground to grant anticipatory bail, but it appears that in the event the accused surrenders before the court below, her further detention for the purpose of investigation is not required. It is also fairly submitted by learned P. P., that for the purpose of investigation of the case, her detention in the custody is no more required.

Under such circumstances, if the petitioner surrenders before the court below and prays for bail, her application may be considered by court on merit.

With this observation the anticipatory bail application stands disposed of.