HIGH COURT OF TRIPURA
AGARTALA

AB No.129 of 2020

Shri. Sanjit Debbarma

.....Accused(s)

Versus

The State of Tripura

.....Respondent(s)

BEFORE

HON'BLE MR. JUSTICE S.G CHATTOPADHYAY

For the Applicant(s)	:	Mr. A.K.Pal, Advocate. Mr.D.Roy, Advocate.
For the Respondent(s)	:	Mr. R.Datta, PP.

O R D E R

04.12.2020

[**1**] This application under Section 438 of the Code of Criminal Procedure, 1973,(Cr.P.C herein after) has been filed by the accused petitioner Sanjit Debbarma seeking pre arrest bail in Sonamura PS Case No. 2020 SNM 085, IPC where he is an FIR named accused.

[**2**] The FIR lodged by Ratan Debnath who is an LDC in the court of Chief Judicial Magistrate, Sonamura reveals that Sri Debnath was preparing a charge list sitting in the court on 06.09.2020 owing to his table transfer from the prosecution section to civil judge's court where the accused petitioner was present and saw Sri Debnath keeping the case records in an

Almirah and then transferring the keys of that Almirah to another Almirah and thereafter keeping the keys of the second Almirah in a drawer of a table. Subsequently, 13 records were found missing from the Almirah which included case No.2016 SNM 078, pertaining to money laundering in which the accused petitioner is a prime accused. Even after a diligent search for the case records, none of the case records could be found. As a result, the FIR was filed against the accused petitioner. The accused petitioner then moved this court by filing this petition which was first heard on 10.11.2020. Since, on that day the case diary was not produced before the court, the petitioner was given interim protection by way of granting interim pre arrest bail till 17.11.2020 and it was made clear under the said order that the matter would be decided on merit after perusing the case record and the interim protection granted in favour of him was subject to the final order.

[**3**] On 17.11.2020 the matter was again heard by this court and the interim bail granted to him was extended till 01.12.2020 with a direction to the accused petitioner to appear before the investigating officer on 19.11.2020 at 10.30 A.M. The IO was also directed to interrogate the accused and all other suspects with a view to unearth the crime.

[**4**] Mr.A.K.Pal, learned counsel appearing along with Mr.D.Roy for the petitioner submits before the court that the

accused has been implicated in the case merely on the basis of suspicion and there is no material supporting his involvement in the case. It is submitted by Mr.Pal appearing along with Mr.D.Roy, learned counsel that the accused is an employee of the court and his arrest and detention will affect his career. Learned counsel, therefore, urges the court to allow the petition for pre-arrest bail of the accused petitioner.

[**5**] Mr. Ratan Datta, learned PP has vehemently opposed the move for grant of bail to the accused. It is submitted by Mr.Datta, learned PP that in view of his antecedents, the accused is in no way entitled to benefit of Anticipatory Bail. According to learned PP, a money laundering case involving misappropriation of huge amount of fund is already pending against the accused and surprisingly 13 case records missing from the court also include the record in which petitioner is the prime accused which has strengthened the suspicion against the petitioner. It is further contended by Mr.Datta, learned PP that despite several notices issued by the IO to the accused petitioner, he did not appear before the IO for interrogation. According to Mr.Datta, the case diary would reveal that the accused has absconded from the jurisdiction of the court. Learned counsel, therefore, urges the court for cancellation of his application for pre-arrest bail.

[**6**] It appears from the record that the accused petitioner also preferred an application for pre-arrest bail

before the learned Sessions Judge, Sepahijala Judicial District which was heard by the learned Sessions Judge on 02.11.2020. By his detailed order dated 02.11.2020, learned Sessions Judge has turned down his application with a direction to him to appear before the IO within a week.

[**7**] It is submitted on behalf of the prosecution that the accused petitioner did not honour the order of the learned Sessions Judge. He did not even honour the order dated 17.11.2020 of this court by appearing before the IO on 19.11.2020 for interrogation.

[**8**] The court is of the view that the accusation against him is serious and the suspicion against him is also well founded. Evidently he is already involved in a case pertaining to misappropriation of huge sum of money the record of which is also missing along with the other missing case records. Such antecedents of the accused also disentitles him to the relief under Section 438 Cr.P.C. Added to this, reportedly he is not at all cooperating with the investigating agency. As a result of which there is no progress of investigation in the case.

[**9**] The main considerations before the court for deciding a bail application are the nature of the crime, the severity of its punishment, the likelihood of the accused tampering with evidence, possibility of his absconding from the jurisdiction of the court and availability of prima facie evidence supporting the accusation.

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[**9**] Keeping in view all these considerations and the materials available on record, this court is of the view that the accused petitioner is not entitled to pre-arrest bail in this case.

Resultantly, his bail application stands cancelled.

Send back the CD.

JUDGE

HIGH COURT OF TRIPURA
सत्यमेव जयते

Saikat Sarma