

**HIGH COURT OF TRIPURA
AGARTALA
B.A.No.41 of 2025**

Smt. Minu Rani Das,
W/o: Sri Narayan Ch. Das, resident of Unnayan Sangha,
Near Unnayan Sangha, Howrah, P.S.-A.D. Nagar, West Tripura

..... Applicant

For/on behalf of

Sri Suman Das,
S/o: Sri Narayan Chandra Das, resident of North Badharghat,
Near Unnayan Sangha, P.S.: A.D. Nagar, West Tripura.

-----Accused Person(s)

Versus

The State of Tripura

-----Respondent(s)

For Applicant(s)	:	Mr. Bibhal Nandi Majumder, Sr. Adv. Mr. Dhruba Jyoti Saha, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

27/06/2025

This bail application under Section 483 of BNSS, 2023 is filed for granting bail to the accused person in custody namely, Sri Suman Das in connection with R.K. Pur PS case No.21 of 2025 under Sections 318(4)/318(3)/61(2)(a) of BNS with added Sections 316(5)/336/340(2) of BNS, 2023.

Heard Learned Senior Counsel, Mr. Bibhal Nandi Majumder assisted by Learned Counsel, Mr. Dhruba Jyoti Saha appearing on behalf of the accused in custody. Also heard Learned P.P., Mr. Raju Datta appearing on behalf of the State-respondent.

As ordered earlier, Learned P.P. has produced the case diary today.

In course of hearing of argument, Learned Senior counsel for the accused in custody first of all drawn the attention of this Court referring the contents of the F.I.R. and submitted that there is no dispute on record that the money of the informant was misappropriated from her respective accounts. Learned Senior Counsel thereafter drawn the attention of this Court to the fact that investigation of this case is completed and by this time the I.O. has submitted charge-sheet against the present accused in custody and the other accused persons and from the report of the I.O. it only transpires that the present accused in custody only misappropriated Rs.20,000/- which is also subjected to proof. Furthermore, Learned Senior Counsel submitted that the accused is lodging in custody on and from 27.03.2025. So, considering the period of his detention in custody the accused person may be released on bail in any condition. Learned Senior Counsel at the time of hearing of argument made two different submissions. *Firstly*, Learned Senior Counsel submitted that there is/are no materials on record justifying the detention of the present accused and *secondly*, referring the order passed by a co-ordinate bench of this Court in **AB No.31 of 2019** dated **07.05.2019** and the judgment of the Hon'ble Supreme Court of India in **Criminal Appeal No.818 of 2025** dated **18.02.2025**[Subhelal @ Sushil Sahu vs. The State of Chhattisgarh reported in **(2025) 5 SCC 140**] he submitted that a direction may be given to deposit a portion of amount by the accused in custody.

In the first phase of his submission Learned Senior Counsel relied upon one citation of the Hon'ble Supreme Court of India in **Sanjay Chandra vs. Central Bureau of Investigation** reported in **(2011) AIR SCW 6838** wherein in para Nos.25 and 26, Hon'ble the Apex Court observed as under:-

"25. Coming back to the facts of the present case, both the Courts have refused the request for grant of bail on two grounds:- The primary ground is that offence alleged against the accused persons is very serious involving deep rooted planning in which, huge financial loss is caused to the State Exchequer; the secondary ground is that the

possibility of the accused persons tempering with the witness. In the present case, the charge is that of cheating and dishonestly inducing delivery of property, forgery for the purpose of cheating using as genuine a forged document. The punishment of the offence is punishment for a term which may extend to seven years. It is, no doubt, true that the nature of the charge may be relevant, but at the same time, the punishment to which the party may be liable, if convicted, also bears upon the issue. Therefore, in determining whether to grant bail, both the seriousness of the charge and the severity of the punishment should be taken into consideration. The grant or refusal to grant bail lies within the discretion of the Court. The grant or denial is regulated, to a large extent, by the facts and circumstances of each particular case. But at the same time, right to bail is not to be denied merely because of the sentiments of the community against the accused. The primary purposes of bail in a criminal case are to relieve the accused of imprisonment, to relieve the State of the burden of keeping him, pending the trial, and at the same time, to keep the accused constructively in the custody of the Court, whether before or after conviction, to assure that he will submit to the jurisdiction of the Court and be in attendance thereon whenever his presence is required. This Court in *Gurcharan Singh and Ors. v. State*, AIR 1978 SC 179, observed that two paramount considerations, while considering petition for grant of bail in non-bailable offence, apart from the seriousness of the offence, are the likelihood of the accused fleeing from justice and his tampering with the prosecution witnesses. Both of them relate to ensure of the fair trial of the case. Though, this aspect is dealt by the High Court in its impugned order, in our view, the same is not convincing.

26. When the under-trial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated. Every person, detained or arrested, is entitled to speedy trial, the question is: whether the same is possible in the present case. There are seventeen accused persons. Statement of the witnesses runs to several hundred pages and the documents on which reliance is placed by the prosecution, is voluminous. The trial may take considerable time and it looks to us that the appellants, who are in jail, have to remain in jail longer than the period of detention, had they been convicted. It is not in the interest of justice that accused should be in jail for an indefinite period. No doubt, the offence alleged against the appellants is a serious one in terms of alleged huge loss to the State Exchequer, that, by itself, should not deter us from enlarging the appellants on bail when there is no serious contention of the respondent that the accused, if released on bail, would interfere with the trial or tamper with evidence. We do not see any good reason to detain the accused in custody, that too, after the completion of the investigation and filing of the charge-sheet. This Court, in the case of *State of Kerala v. Raneef* (2011) 1 SCC 784: (AIR 2011 SC 340), has stated :-

"15. In deciding bail applications an important factor which should certainly be taken into consideration by the court is the delay in concluding the trial. Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail. In the present case the respondent has already spent 66 days in custody (as stated in Para 2 of his counter-affidavit), and we see no reason why he should be denied bail. A doctor

incarcerated for a long period may end up like Dr. Manette in Charles Dicken's novel A Tale of Two Cities, who forgot his profession and even his name in the Bastille.""

Referring the same Learned Senior Counsel submitted that in view of the law laid down by Hon'ble the Apex Court, the accused in custody may be released on bail in any condition.

Learned Senior Counsel, Mr. Majumder referred another citation of Hon'ble Supreme Court of India in **P. Chidambaram vs. Directorate of Enforcement** reported in **AIR 2020 SC 1699** wherein in Para Nos.21 and 22, Hon'ble the Apex Court observed as under:-

"21. Thus from cumulative perusal of the judgments cited on either side including the one rendered by the Constitution Bench of this Court, it could be deduced that the basic jurisprudence relating to bail remains the same inasmuch as the grant of bail is the rule and refusal is the exception so as to ensure that the accused has the opportunity of securing fair trial. However, while considering the same the gravity of the offence is an aspect which is required to be kept in view by the Court. The gravity for the said purpose will have to be gathered from the facts and circumstances arising in each case. Keeping in view the consequences that would befall on the society in cases of financial irregularities, it has been held that even economic offences would fall under the category of "grave offence" and in such circumstance while considering the application for bail in such matters, the Court will have to deal with the same, being sensitive to the nature of allegation made against the accused. One of the circumstances to consider the gravity of the offence is also the term of sentence that is prescribed for the offence the accused is alleged to have committed. Such consideration with regard to the gravity of offence is a factor which is in addition to the triple test or the tripod test that would be normally applied. In that regard what is also to be kept in perspective is that even if the allegation is one of grave economic offence, it is not a rule that bail should be denied in every case since there is no such bar created in the relevant enactment passed by the legislature nor does the bail jurisprudence provides so. Therefore, the underlining conclusion is that irrespective of the nature and gravity of charge, the precedent if another case alone will not be the basis for either grant or refusal of bail though it may have a bearing on principle. But ultimately the consideration will have to be on case to case basis on the facts involved therein and securing the presence of the accused to stand trial.

22. In the above circumstance it would be clear that even after concluding the triple test in favour of the appellant the learned Judge of the High Court was certainly justified in adverting to the issue relating to the gravity of the offence. However, we disapprove the manner in which the conclusions are recorded in paragraphs 57 to 62 wherein the observations are reflected to be in the nature of finding relating to the alleged offence. The learned senior counsel for the appellant with specific reference to certain observations contained in the above noted paragraphs has

pointed out that the very contentions to that effect as contained in paragraphs 17, 20 and 24 of the counter affidavit has been incorporated as if, it is the findings of the Court. The learned Solicitor General while seeking to controvert such contention would however contend that in addition to the counter affidavit the respondent had also furnished the documents in a sealed cover which was taken note by the learned Judge and conclusion has been reached."

Referring the same Learned Senior Counsel submitted that considering the nature of allegation against the accused in custody he may be released on bail.

Again, Learned Senior Counsel referred another citation of the Hon'ble Supreme Court of India in **Satender Kumar Antil vs. Central Bureau of Investigation & Anr.** reported in **AIR 2022 SC 3386** wherein in para Nos.66 and 68 Hon'ble the Apex Court observed as under:-

"ECONOMIC OFFENCES (CATEGORY D)

66. What is left for us now to discuss are the economic offences. The question for consideration is whether it should be treated as a class of its own or otherwise. This issue has already been dealt with by this Court in the case of **P. Chidambaram v. Directorate of Enforcement, (2020) 13 SCC 791: (AIR 2020 SC 1699)**, after taking note of the earlier decisions governing the field. The gravity of the offence, the object of the Special Act, and the attending circumstances are a few of the factors to be taken note of, along with the period of sentence. After all, an economic offence cannot be classified as such, as it may involve various activities and may differ from one case to another. Therefore, it is not advisable on the part of the court to categorise all the offences into one group and deny bail on that basis. Suffice it to state that law, as laid down in the following judgements, will govern the field:-

Precedents

P. Chidambaram v. Directorate of Enforcement, (2020) 13 SCC 791 : (AIR 2020 SC 1699):

23. Thus, from cumulative perusal of the judgments cited on either side including the one rendered by the Constitution Bench of this Court, it could be deduced that the basic jurisprudence relating to bail remains the same inasmuch as the grant of bail is the rule and refusal is the exception so as to ensure that the accused has the opportunity of securing fair trial. However, while considering the same the gravity of the offence is an aspect which is required to be kept in view by the Court. The gravity for the said purpose will have to be gathered from the facts and circumstances arising in each case. Keeping in view the consequences that would befall on the society in cases of financial irregularities, it has been held that even economic offences would fall under the category of "grave offence" and in such circumstance while considering the application for bail in such matters, the Court will have to deal with the same, being sensitive to the nature of allegation made against the accused. One of the circumstances to consider the gravity of the offence is also the term of sentence that is prescribed for the offence the accused is alleged to have

committed. Such consideration with regard to the gravity of offence is a factor which is in addition to the triple test or the tripod test that would be normally applied. In that regard what is also to be kept in perspective is that even if the allegation is one of grave economic offence, it is not a rule that bail should be denied in every case since there is no such bar created in the relevant enactment passed by the legislature nor does the bail jurisprudence provide so. Therefore, the underlining conclusion is that irrespective of the nature and gravity of charge, the precedent of another case alone will not be the basis for either grant or refusal of bail though it may have a bearing on principle. But ultimately the consideration will have to be on case-to-case basis on the facts involved therein and securing the presence of the accused to stand trial.

Sanjay Chandra v. CBI (2012) 1 SCC 40: (AIR 2012 SC 830):

"39. Coming back to the facts of the present case, both the courts have refused the request for grant of bail on two grounds: the primary ground is that the offence alleged against the accused persons is very serious involving deep-rooted planning in which, huge financial loss is caused to the State exchequer; the secondary ground is that of the possibility of the accused persons tampering with the witnesses. In the present case, the charge is that of cheating and dishonestly inducing delivery of property and forgery for the purpose of cheating using as genuine a forged document. The punishment for the offence is imprisonment for a term which may extend to seven years. It is, no doubt, true that the nature of the charge may be relevant, but at the same time, the punishment to which the party may be liable, if convicted, also bears upon the issue. Therefore, in determining whether to grant bail, both the seriousness of the charge and the severity of the punishment should be taken into consideration.

40. The grant or refusal to grant bail lies within the discretion of the court. The grant or denial is regulated, to a large extent, by the facts and circumstances of each particular case. But at the same time, right to bail is not to be denied merely because of the sentiments of the community against the accused. The primary purposes of bail in a criminal case are to relieve the accused of imprisonment, to relieve the State of the burden of keeping him, pending the trial, and at the same time, to keep the accused constructively in the custody of the court, whether before or after conviction, to assure that he will submit to the jurisdiction of the court and be in attendance thereon whenever his presence is required.

xxx xxx xxx

46. We are conscious of the fact that the accused are charged with economic offences of huge magnitude. We are also conscious of the fact that the offences alleged, if proved, may jeopardise the economy of the country. At the same time, we cannot lose sight of the fact that the investigating agency has already completed investigation and the charge-sheet is already filed before the Special Judge, CBI, New Delhi. Therefore, their presence in the custody may not be necessary for further investigation. We are of the view that the appellants are entitled to the grant of bail pending trial on stringent conditions in order to allay the apprehension expressed by CBI."

68. Criminal courts in general with the trial court in particular are the guardian angels of liberty. Liberty, as embedded in the Code, has to be preserved, protected, and enforced by the Criminal Courts. Any conscious failure by the Criminal Courts would constitute an affront to liberty. It is the pious duty of the Criminal Court to zealously guard and keep a consistent vision in safeguarding the constitutional values and ethos. A criminal court must uphold the constitutional thrust with responsibility mandated on them by acting akin to a high priest. This Court in *Arnab Manoranjan Goswami v. State of Maharashtra*, (2021) 2 SCC 427: (AIR 2021 SC 1), has observed that:

"67. Human liberty is a precious constitutional value, which is undoubtedly subject to regulation by validly enacted legislation. As such, the citizen is subject to the edicts of criminal law and procedure. Section 482 recognises the inherent power of the High Court to make such orders as are necessary to give effect to the provisions of CrPC "or prevent abuse of the process of any court or otherwise to secure the ends of justice". Decisions of this Court require the High Courts, in exercising the jurisdiction entrusted to them under Section 482, to act with circumspection. In emphasising that the High Court must exercise this power with a sense of restraint, the decisions of this Court are founded on the basic principle that the due enforcement of criminal law should not be obstructed by the accused taking recourse to artifices and strategies. The public interest in ensuring the due investigation of crime is protected by ensuring that the inherent power of the High Court is exercised with caution. That indeed is one-and a significant-end of the spectrum. The other end of the spectrum is equally important: the recognition by Section 482 of the power inhering in the High Court to prevent the abuse of process or to secure the ends of justice is a valuable safeguard for protecting liberty. The Code of Criminal Procedure, 1898 was enacted by a legislature which was not subject to constitutional rights and limitations; yet it recognised the inherent power in Section 561-A. Post-Independence, the recognition by Parliament [Section 482 CrPC, 1973] of the inherent power of the High Court must be construed as an aid to preserve the constitutional value of liberty. The writ of liberty runs through the fabric of the Constitution. The need to ensure the fair investigation of crime is undoubtedly important in itself, because it protects at one level the rights of the victim and, at a more fundamental level, the societal interest in ensuring that crime is investigated and dealt with in accordance with law. On the other hand, the misuse of the criminal law is a matter of which the High Court and the lower courts in this country must be alive. In the present case, the High Court could not but have been cognizant of the specific ground which was raised before it by the appellant that he was being made a target as a part of a series of occurrences which have been taking place since April 2020. The specific case of the appellant is that he has been targeted because his opinions on his television channel are unpalatable to authority. Whether the appellant has established a case for quashing the FIR is something on which the High Court will take a final view when the proceedings are listed before it but we are clearly of the view that in failing to make even a prima facie evaluation of the FIR, the High Court abdicated its constitutional duty and function as a protector of liberty. Courts must be alive to the need to safeguard the public interest in ensuring that the due enforcement of criminal law is

not obstructed. The fair investigation of crime is an aid to it. Equally it is the duty of courts across the spectrum-the district judiciary, the High Courts and the Supreme Court-to ensure that the criminal law does not become a weapon for the selective harassment of citizens. Courts should be alive to both ends of the spectrum-the need to ensure the proper enforcement of criminal law on the one hand and the need, on the other, of ensuring that the law does not become a ruse for targeted harassment. Liberty across human eras is as tenuous as tenuous can be. Liberty survives by the vigilance of her citizens, on the cacophony of the media and in the dusty corridors of courts alive to the rule of (and not by) law. Yet, much too often, liberty is a casualty when one of these components is found wanting."

(emphasis supplied)

Referring the same Learned Senior Counsel again submitted that there is no reason to disallow the present bail application of the accused in custody considering the materials on record so far collected by the I.O. during the investigation. Finally, Learned Senior Counsel referred to a judgment of the Hon'ble Supreme Court of India in **Criminal Appeal No.818 of 2025** dated **18.02.2025**[**Subhelal @ Sushil Sahu vs. The State of Chhattisgarh** reported in **(2025) 5 SCC 140**] wherein in para Nos.19 and 22, 23, 24 and 25, Hon'ble the Apex Court observed as under:

"19. This Court is of a considered view that applications under Section 437(6) have to be given a liberal approach and it would be a sound and judicious exercise of discretion in favour of the accused by the court concerned more particularly where there is no chance of tampering of evidence e.g. where the case depends on documentary evidence which is already collected; where there is no fault on part of the accused in causing of delay; where there are no chances of any abscondence by the accused; where there is little scope for conclusion of trial in near future; where the period for which accused has been in jail is substantial in comparison to the sentence prescribed for the offence for which he is tried. Normal parameters for deciding bail application would also be relevant while deciding application under Section 437(6) of the Code, but not with that rigour as they might have been at the time of application for regular bail.

22. In the overall view of the matter, we are convinced that the appellant deserves to be released on bail, subject to certain terms and conditions as may be imposed by the trial court. It is ordered accordingly.

23. However, we on our own would like to impose one condition.

24. According to the learned counsel appearing for the appellant herein, the total amount involved in the alleged scam is approximately Rs 4 crores but he attributes about Rs 35 lakhs to the appellant herein.

25. For the purpose of bail and in the peculiar facts and circumstances of the case, we direct the appellant herein to deposit an amount of Rs 35,00,000 (Rupees 35 lakhs) with the trial court within a period of six months from today."

Referring the same, Learned Senior Counsel submitted that in view of the above citations of Hon'ble the Apex Court a direction may be given to the accused in custody to deposit the required amount in the event of his release on bail.

On the other hand, Learned P.P. taking part in the hearing submitted that in this case allegation against the accused in custody and others were very serious in nature. They by their act and conduct damaged the reputation of the Bank in the eyes of the customers specifically the present informant who was defrauded by their alleged activities. Learned P.P. further submitted that although charge-sheet is submitted in this case, there is still prayer from the side of I.O. for holding custody trial of the accused and there is likelihood of submitting supplementary charge-sheet. Further, since it is a case of economic offence so at this stage, for proper trial of the case, the bail application be rejected.

In this regard, Learned P.P. relied upon one citation of the High Court of Orissa reported in **Ashwini Kumar Patra vs. Republic of India** reported in **2021 SCC OnLine Ori 439** wherein Hon'ble the High Court of Orissa in para Nos.8 and 9 has been pleased to observe as under:

"8. The accusation against the petitioner relates to commission of economic offences which are considered to be grave offences and are to be viewed seriously. Such offences affect the economy of the country as a whole and it involves deep-rooted conspiracy and huge loss of public fund. It is committed with cool calculation and deliberate design solely with an eye on personal profit regardless of the consequence to the community. In such type of offences, while granting bail, the Court has to keep in mind, inter alia, the larger interest of public and State. The nature and seriousness of an economic offence and its impact on the society are always important considerations in such a case and those aspects must squarely be dealt with by the Court while passing an order on bail applications. (Ref : - Y.S. Jagan Mohan Reddy v. C.B.I. reported in (2013) 7 SCC 439, State of Gujarat v. Mohanlal Jitmalji Porwal reported in (1987) 2 SCC 364).

9. In the case of Y.S. Jagan Mohan Reddy (supra), it is held as follows:—

“34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offence having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

35. While granting bail, the Court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of public/State and other similar considerations.”

Learned P.P. also referred to another citation of Hon’ble the Supreme Court of India in **Nimmagadda Prasad vs. Central Bureau of Investigation** reported in **(2013) 7 SCC 466** wherein in para Nos. 23, 24 and 25, Hon’ble the Apex Court as under:

“23. Unfortunately, in the last few years, the country has been seeing an alarming rise in white-collar crimes, which has affected the fibre of the country's economic structure. Incontrovertibly, economic offences have serious repercussions on the development of the country as a whole. In State of Gujarat v. Mohanlal Jitmalji Porwal [(1987) 2 SCC 364 : 1987 SCC (Cri) 364] this Court, while considering a request of the prosecution for adducing additional evidence, inter alia, observed as under: (SCC p. 371, para 5)

“5. ... The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white-collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest.”

24. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the

punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the court dealing with the grant of bail can only satisfy itself as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.

25. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offence having deep-rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as a grave offence affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country."

Referring those citations Learned P.P. drawn the attention of this Court that considering the nature and gravity of the offence there is no scope to grant bail to the accused person. Learned P.P. further referred another citation of Hon'ble the Supreme Court of India in **State of Bihar & Anr. vs. Amit Kumar alias Bachcha Rai** reported in **(2017) 13 SCC 751** wherein in para No.13 Hon'ble the Apex Court observed as under:

"13. We are also conscious that if undeserving candidates are allowed to top exams by corrupt means, not only will the society be deprived of deserving candidates, but it will be unfair for those students who have honestly worked hard for one whole year and are ultimately disintitled to a good rank by fraudulent practices prevalent in those examinations. It is well settled that socio-economic offences constitute a class apart and need to be visited with a different approach in the matter of bail:(2013) 7 SCC 466. Usually socio-economic offence has deep rooted conspiracies affecting the moral fiber of the society and causing irreparable harm, needs to be considered seriously."

Finally, Learned P.P. referred another citation of Hon'ble the Apex Court in **Tarun Kumar vs. Assistant Director Directorate of Enforcement** reported in **2023 SC OnLine 1486** wherein in para Nos.22 and 23, Hon'ble the Apex Court observed as under:

"22. Lastly, it may be noted that as held in catena of decisions, the economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country. Undoubtedly, economic offences have serious repercussions on the development of the country as a whole. To cite a few judgments in this regard are Y.S. Jagan Mohan Reddy v. Central Bureau of Investigation⁸, Nimmagadda Prasad v. Central Bureau of Investigation⁹, Gautam Kundu v. Directorate of Enforcement (supra), State of Bihar v. Amit Kumar alias Bachcha Rai¹⁰. This court taking a serious note with regard to the economic offences had observed as back as in 1987 in case of State of Gujarat v. Mohanlal Jitmalji Porwal¹¹ as under:—

"5... The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to books. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the National Economy and National Interest..."

23. With the advancement of technology and Artificial Intelligence, the economic offences like money laundering have become a real threat to the functioning of the financial system of the country and have become a great challenge for the investigating agencies to detect and comprehend the intricate nature of transactions, as also the role of the persons involved therein. Lot of minute exercise is expected to be undertaken by the Investigating Agency to see that no innocent person is wrongly booked and that no culprit escapes from the clutches of the law. When the detention of the accused is continued by the Court, the courts are also expected to conclude the trials within a reasonable time, further ensuring the right of speedy trial guaranteed by Article 21 of the Constitution."

Referring those citations Learned P.P. drawn the attention of this Court that due to the conduct of the accused persons the present informant has been defrauded and the accused persons being the employees of a bank in discharging their duties have damaged the faith of the common people who have deposited their moneys to the Bank. So, if in a case of this nature

if they are released on bail there would be serious implications and also there would be chance of tampering the evidence on record of the prosecution. So, Learned P.P. urged for rejection of the bail application.

In reply, Learned Senior Counsel submitted that the accused is under suspension and there is no chance on his part to handle with the documentary evidence on record. Furthermore, this case is based on documentary evidence on record. So, if at this stage bail is granted for conducting proper defence, there will be no chance of prejudice to the case of the prosecution.

As ordered earlier, today the State Head (Cluster Head) of HDFC Bank, Mr. Ritesh Bhosale appeared and submitted that police has investigated the case and bank on their own also conducted internal inquiries and further clarified that as per RBI guidelines the bank authority shall be bound to refund the misappropriated amount to the informant although some time may be required for conducting the formalities.

Here, in the case at hand the prosecution was set into motion on the basis of an F.I.R. laid by one Smt. Suniti Datta Sen on 01.02.2025 to O/C, R.K. Pur PS alleging *inter alia* that after her retirement and also upon receiving money from sale of her ancestral property she deposited a sum of Rs.18,00,000/- in fixed deposits(for short, FD) at HDFC Bank, Udaipur Branch on different account numbers as mentioned in the F.I.R. and out of the said FDs one of the FD had a maturity date on 06.01.2025 and the money was withdrawn. And accordingly, on 07.01.2025 she went to the HDFC Udaipur Branch when the bank employees told her to come back on the next date and accordingly on 08.01.2025, she went to the bank. On her arrival the bank manager told her that she had prematurely withdrawn money from all her fixed deposits. But she replied that she did not withdraw any money and thereafter, the branch manager asked her to return after two days and when, she went back to the bank on 10.01.2025, the bank staff handed her an account statement of an account number bearing

No.50100543335395 and told that she had made all the premature withdrawals of fixed deposits using that account. She further stated that apart from the fixed deposits mentioned in the F.I.R., she had an SB account at the HDFC Udaipur branch bearing account number No.50100224928677. According to her, she never opened account number 50100543335395, nor did she take any benefit from the said account. Then, she realized that the branch manager and other employees of HDFC Bank made collusion to embezzle her money. On 14.01.2025 and 16.01.2025, she wrote two letters to the branch manager and informed him about the embezzlement of her funds. Since then, the branch manager has repeatedly visited her house and assured her that she would receive her money within a couple of days, but she did not receive it. She again mentioned that she did not receive any transaction alerts/messages on her mobile for her SB account number 50100224928677. She approached the bank multiple times and in all the occasions she was assured that she will start receiving the money. She checked the two bank passbooks issued for her original bank account number 50100224928677 and found that the bank had recorded two different phone numbers-91-8414934520 and 91-8798925718, neither of which belongs to her. She also purchased an insurance policy from HDFC Life through the aforementioned bank, and on the premium receipt the correct phone number is mentioned. Thus, she could realize that the branch manager and other bank employees of the Bank embezzled Rs.18,00,000/- by opening a fake account in her name. Hence, she laid the F.I.R. Accordingly, on the basis of that F.I.R. the case was registered and the investigation was started and after conclusion of investigation the I.O. has laid charge-sheet against the accused persons, namely Sri Abhishek Sarkar, Sri Suman Das, Sri Jayanta Saha, Smt. Priyanka Paul, Sri Kushal Kanti Saha, Sri Kanai Saha under Section 318(4)/ 318(3) /316(5) /336(3)/ 340(2)/ 112(2)/61(2) of BNS, 2023 before the Court of Learned Jurisdictional Magistrate. This present accused was produced under arrest before the

Court of Learned CJM, Gomati District, Udaipur on 27.03.2025 and since then he is lodging in custody. By this time cognizance of offence is taken by order dated 04.06.2025.

I have also perused the charge-sheet submitted by the I.O. This case is entirely based on documentary evidence on record. It is on record that the present accused in custody was posted at HDFC Udaipur Branch in the year 2018 till December, 2022 and in course of opening the secondary account of the informant Suniti Datta Sen bearing No.50100543335395 which is supposed to be forged on 12.07.2022, the accused was posted as PB Authoriser and Authorized the account opening form mentioning that the customer signed in his present. According to the I.O. the accused himself admitted that the customer was not present while authorizing the account opening form and stated that Abhishek Sarkar and Sagnik Chakroborty gave him full set of secondary account opening form of said Smt. Suniti Datta Sen along with cheque of Rs.25,000/- and authorized the account. According to the I.O. the cheque of Suniti Datta Sen in favour of Kushal Kanti Saha for an amount of Rs.4,45,000/-, Priyanka Paul, Rs.2,17,000/- and Ranjit Dey Rs.4,79,000/- was encashed in HDFC Khowai Branch when the accused in custody was a Branch Manager and the signature of said Smt. Suniti Datta Sen also found to be forged in these cheques. It was further submitted that a sum of Rs.20,000/- was credited in the account of Sri Suman Das in account No.9150100382647744 of Axis Bank Ushabazar Branch. The investigation of the case is complete. It is also found that a sum of Rs.88,00,000/- was misappropriated from the said Branch during that relevant period of time and the other accused persons of this case are also involved in some other cases in which either investigation is going on or charge-sheet is filed.

I have also perused the citations referred by both the parties. The citations as referred by Learned Senior Counsel are relevant but the principles of the citations cannot be applied in this case at this stage.

Since the case is pending for trial and there are *prima facie* materials on record against him so at this stage there is no scope to give any observation regarding innocence of the accused.

The cases of economic offences are increasing day by day. How much amount was misappropriated by the accused in custody that would come out after conclusion of the trial of the case.

From the charge-sheet also it appears that at HDFC Udaipur Branch there is evidence of commission of offence by him and also during his tenure at HDFC Khowai Branch some amount was alleged to be withdrawn from the accounts belonging to the informant showing some cheques wherein the signatures of the informant were forged and thus, it appears that beyond the knowledge of the alleged accused the amount could not have been withdrawn from HDFC Khowai Branch where the accused was posted.

I have also seen the prayer of the I.O. regarding filing of supplementary charge-sheet. However, since the trial of this case has commenced so it is desired that the Learned Court below shall take all endeavour to proceed with the trial of this case at an earliest convenience keeping in mind the fact that the accused persons are lodging in jail.

Hence, at this stage I do not find any scope to release the accused on bail. So, this bail application filed by the accused applicant stands rejected.

Send back the record of the Learned Trial Court with a copy of this order. Send down the CD to I.O. through Learned P.P. along with a copy of this order

JUDGE