

**HIGH COURT OF TRIPURA
AGARTALA
A.B.No.54 of 2025**

Bidhan Chandra Saha,
Age 59 years,
son of Late Satish Saha,
resident of Ward No.7, Giridhari Pally,
P.S. R.K. Pur, Udaipur, District-Gomati Tripura

---- Applicant(s)

Versus

The State of Tripura,
represented by the Secretary
to the Department of Home
New Secretariat Complex

----Respondent(s)

For Applicant(s)	: Mr. Debalaya Bhattacharya, Sr. Adv. Mr. Samar Das, Adv.
For Respondent(s)	: Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

28/08/2025

This pre-arrest bail application under Section 482 of BNSS is filed for granting pre-arrest bail to the petitioner accused in connection with R.K. Pur P.S. Case No.29/25 under Section 316(5)/318(4)/318(3)336(3)/340(2)/61(2)(a) of BNS, 2023.

[02] Heard Learned senior counsel, Mr. Debalaya Bhattacharjee assisted by Mr. Samar Das, Learned counsel appearing on behalf of the petitioner accused and also heard Mr. Raju Datta, Learned P.P. appearing on behalf of the State-respondent. As ordered earlier, Learned P.P. has produced the Case Diary. We have also received the record from the Learned Trial Court below.

[03] At the time of hearing, Learned senior counsel appearing on behalf of the petitioner accused drawn the attention of the Court that the present petitioner accused has been falsely implicated in this case because a sum of Rs.7,30,000/- was credited to his account lying with HDFC Branch, Udaipur, by any means but he did not deposit any

amount to the said branch save and except withdrawal of loan money and immediately the petitioner accused consulted with the branch authority but the bank authority did not give any response to his request and thereafter, upon verification of accounts, he paid a sum of Rs.3,00,000/- by a cheque to one Smt. Niyati Sarkar Roy on 21.01.2025 and he is ready to pay the balance amount of Rs.4,30,000/- to the actual claimant, if ordered by this Court and urged for granting pre arrest bail to the petitioner accused stating that he is innocent and has been falsely implicated in this case.

[04] On the other hand, Learned P.P. strongly opposed the bail application and first of all drawn the attention of this Court referring the contents of the FIR dated 18.02.2025 laid by one Suman Biswas to O/C R.K. Pur Police Station wherein in para-C and D it was specifically mentioned as under :

“(C) A complaint was lodged by Mrs. Niyati Sarkar Roy that there are some unauthorized transaction in her account number 99908787462675. Further she mentioned that there is an Overdraft facility in the account, which she is not aware. Customer claimed amount is Rs.25,50,261/-(Rupees Twenty five Lac fifty thousand two hundred sixty one only).

(D) A complaint was lodged by Mrs. Suniti Datta Sen has lodged a complaint that there are some unauthorized transactions in her account number 50100543335395. Further she mentioned that there is an Overdraft facility in the account, which he is not aware of. Customer claimed amount is Rs.20,93,000/- (Rupees Twenty Lac ninety three thousand only).”

[05] Learned P.P. further drawn the attention of the Court that in the second FIR it was specifically mentioned that after going through the statement of account of the alleged fraudulent transaction it was found that huge amount of money was transferred in the account of 1) Mrs. Priyanka Paul, 2) Mr. Kanai Saha and 3) Mr. Bidhan Chandra Saha i.e. the present petitioner accused. Learned P.P. thereafter drawn the attention of the Court referring another FIR dated 10.01.2025 laid by one Niyati Sarkar Roy to O/C R.K. Pur P.S. wherein it was mentioned that the relationship manager Sri Abhishek Sarkar played fraud and withdrawal amount and liquidation of her fixed deposit and transferred

the money of his account to the present petitioner accused and others. Referring those FIRs, Learned P.P. submitted that the investigation of the case is in progress and there is direct allegation against the petitioner accused showing his involvement with the alleged offence. He also referred the statements of some of the witness recorded by IO during investigation and submitted that from the statements of those witnesses it is crystal clear that the present petitioner accused is also one of the conspirator of the alleged scam and he along with others with the staff of the bank committed misappropriation of public money from the respective accounts and referring the orders passed by this Court in B.A.No.44/2025 dated 07.07.2025, B.A.No.41/2025 dated 27.06.2025 and A.B.No.33/2025 dated 07.08.2025, Learned P.P. submitted that in those bail applications this Court elaborately discussed all the issues and rejected bail applications and this present petitioner accused is also standing on the same footing and as such, no lenient view can be taken at this stage. Furthermore, Learned P.P. submitted that even the Hon'ble Supreme Court of India in **Gajanan Dattaray Gore vs. State of Maharashtra and Anr.** reported in **2025 SCC OnLine SC 1571** in para Nos.15,16,18 and 19 specifically stated that even as alleged by Learned senior counsel that he refunded Rs.3,00,000/- to Niyati Sarkar Roy still there is no scope to grant pre arrest bail to the present petitioner accused and urged for dismissal of this bail application.

[06] I have heard detailed arguments of both the sides. It is on record that on the basis of FIR laid by Suman Biswas, Branch Manager, HDFC Branch, Udaipur to O/C R.K.Pur P.S. on 18.02.2025 this present case has been registered against the petitioner accused and others. It is also on record that on the basis of another FIR laid by one Niyati Sarkar Roy another R.K. Pur P.S. Case No.5/2025 has been registered against the petitioner accused. Further, it also appears that on fraudulent

withdrawal of money forging the signatures of different customers 4/5 cases were registered against the staff of HDFC, Udaipur Branch and some other individual persons. This present case was registered against the petitioner on the basis of the FIR as stated above laid by Suman Biswas. In the FIR it was clearly mentioned that at the instance of Abhishek Sarkar, Assistant Manager of the Branch, money was withdrawn from different accounts of the customers by using fraud and malpractice and those huge amount of money was transferred in the account of different persons including the present petitioner accused.

[07] From another connected FIR on the basis of which R.K. Pur P.S. Case No.5/2025 has been registered laid by Niyati Sarkar Roy it appears that at the instance of Abhishek Sarkar so many unauthorized transaction took place including fraudulent withdrawal and liquidations of her fixed deposit and her money was transferred to the account of different persons namely Priyanka Paul, Kanai Saha, Asish Majumder and the present petitioner accused also. According to Niyati Sarkar Roy, another informant a sum of Rs.25,50,261/- was illegally/fraudulently withdrawn from her account by using different illegal means and methods. I have also perused the statement of witnesses recorded by IO during the stage of investigation. It appears that from the branch of HDFC, Udaipur a sum of Rs.82,13,261/- was fraudulently withdrawn by the present petitioner accused and others in illegal association with the staff of the HDFC branch. During investigation also the IO collected the different statement of accounts of different consumers. It appears that from the account of one Runa Ghosh a sum of Rs.4,50,000/- was credited to the account of the present petitioner accused. In course of investigation, the IO also recorded the statement of some of the consumers/customers of the said HDFC Branch of Udaipur whose accounts were defalcated fraudulently by different persons. This present petitioner accused moved one bail

application to the Court of Learned Sessions Judge which was also disallowed by order dated 10.06.2025 in B.A.21/2025. On perusal of the case diary it appears that there is a big scam of misappropriation of money belonging to different consumers and in this scam, not only the few staff of the banks are involved but they in association with the present accused and others committed the offence as alleged. Learned senior counsel at the time of hearing although submitted that the accused has refunded Rs.3,00,000/- to one Niyati Sarkar Roy on 21.01.2025 but (Annexure-5) in this regard no such intimation was given by him to the police, even, no such documentary evidence was produced and proved by the accused before this Court or to the Learned Court below to substantiate that he had no knowledge about the unauthorized transfer of fund to his account from other source which as a bonafide citizen of country he cannot ignore his responsibility and after perusal of the materials on record there is no scope to believe that he was/is totally innocent about the alleged offence because in both the FIRs as alleged there was clear indication against him showing his involvement with the alleged offence. So, the submission of Learned senior counsel for the accused that he is willing to refund back the amount to the other consumer does not make any credence of this Court showing his innocence with the alleged crime. In this regard, reliance is placed upon the citation of the Hon'ble apex Court in **Gajanan Dattaray Gore vs. State of Maharashtra and Anr.** reported in **2025 SCC OnLine SC 1571** wherein in para Nos.15,16,18 and 19 Hon'ble Apex Court specifically stated as under :

"15. We have noticed over a period of time that orders of regular bail and anticipatory bail are being passed by different High Courts subject to deposit of some amount. 16. We have come across cases like the one in hand where accused persons have gone to the extent of filing affidavits in the form of undertaking that they would deposit a particular amount within a particular period and then conveniently resile from such undertakings saying it is an onerous condition.

18. The case in hand is one in which the appellant on his own free will and volition filed an affidavit in the form of an undertaking before the High Court that he would deposit an amount of Rs. 25,00,000/- but ultimately resiled to do so and the High Court had to cancel the bail. It was too much for the lawyer of the appellant to argue before the High Court that asking his client to deposit Rs. 25,00,000/- was unreasonable. It reflects on the professional ethics.

19. By this order, we make it clear and that too in the form of directions that henceforth no Trial Court or any of the High Courts shall pass any order of grant of regular bail or anticipatory bail on any undertaking that the accused might be ready to furnish for the purpose of obtaining appropriate reliefs."

Relying upon the same, it appears that even if the accused petitioner is also willing to refund the said amount that cannot be a ground for consideration of his bail and furthermore, since there is involvement of accused with the alleged offence which reveals from the materials collected by IO up to the stage of investigation and I have also perused the orders passed by this Court in connection with B.A.41/2025, B.A.44/2025 and A.B.33/2025 and as such, I do not find that this is a fit case to grant the concession of pre arrest bail to the accused petitioner.

Hence, the application filed by the petitioner accused stands devoid of merit and accordingly the same stands dismissed/rejected.

Return back the CD to the I/O through Learned P.P. along with a copy of this order.

Send down the record of Learned Trial Court along with a copy of this order.

With this observation, the present application stands disposed of.

JUDGE