

**HIGH COURT OF TRIPURA
AGARTALA
A.B.52 of 2022**

Sri Ajit Kumar

.....Applicant(s)

Versus

The State of Tripura

.....Respondent(s)

For Applicant(s)	: Mr. D. Biswas, Adv.
For Respondent(s)	: Mr. R. Datta, P.P.

HON'BLE THE CHIEF JUSTICE(ACTING)

Order

28/11/2022

Heard Mr. D. Biswas, learned counsel appearing for the applicant as well as Mr. R. Datta, learned P.P. appearing for the State.

2. This is an application under Section 438 of the Cr.P.C. for grant of pre-arrest bail to the accused persons in the event of arrest in connection with Kailashahar P.S. Case No.031 of 2021 of the IPC and Section 66 of the Information Technology Act and subsequently added Section 419/120(B)/403/34 of the IPC.

3. The case of the applicant is that one Sri Vidyasagar Debbarma, CDPO, Kailashahar Nagar Panchayat, ICDS Project, Unakoti Tripura lodged a written complaint before the O/C Kailashahar P.S. stating that there is a scheme of Government namely Pradhan Mantri Matru Vandana Yojana under the ICDS and under the scheme there is a provision of providing Rs.5000/- per beneficiary through online in 3 installments. On 9th March, 2021 while accessing the PMMVYCAS Portal, it was noticed that some fraudulent entries have been given in the said official portal and on perusal, it was found that out of total 3278 entries, 55 numbers of entries were found genuine and rest 3223 entries were found to be fraudulent and on further scrutiny, it was found that these entries were made from other states like Sheossagar and Khurani ICDS Project, Bihar. It was also

mentioned that payment was also made to 1979 beneficiaries through online out of 3223 entries and considering the same, the official portal was deactivated and complaint was lodged before the O/C Kailashahar P.S. and the O/C P.S. registered the same as mentioned herein above.

4. For the reasons stated above, the present application for bail is filed for granting pre-arrest bail to the accused applicant.

5. Mr. D. Biswas, learned counsel appearing for the applicant has submitted that the present accused person is not an FIR named accused and till 28th September, 2022 it was unknown to the accused applicant that he was in any way related to such offence and on receipt of a notice under Section 41A of Cr.P.C. issued by the I.O. of the case vide No.12277/SP/CC/TPA/2022 dated 20.09.2022, the accused applicant came to know that he has been allegedly involved in this case.

6. Mr. Biswas, learned counsel has submitted that on 16.09.2022 while seeking transit remand of another accused from Bihar namely Sri Durgesh Kumar, the I.O. submitted a forwarding before the Court of the Chief Judicial Magistrate, Samastipur, Bihar wherein the I.O. mentioned names of 19 accused persons whose IP addresses has been tracked down by the police but nowhere the name or phone number or any IP address belonging to the present applicant has been mentioned which goes to show that the accused persons was never involved in the present case.

7. Mr. R. Datta, learned P.P. appearing for the State has submitted before this court a investigation report for objecting the present accused against pre-arrest bail. He has submitted that the present accused is that person whereas from Bihar by manipulating the track history and pass ward he has defalcated Rs.32,92,000/-. He has submitted that another accused person namely Durgesh Kumar has been arrested and he has also disclosed the name of the present accused applicant.

8. He has further submitted that the case involves siphoning of large amount of Government money amounting to Rs.32,92,000/- meant for welfare of pregnant and lactating mother of Tripura and serious allegation has been leveled against the present accused persons that he has supplied the USER ID and

PASSWORD to Durgesh Kumar for logging in to PMMVY portal to do data entry and also provided the fake beneficiaries data. The present accused person needs to be interrogated thoroughly in police custody for unearthing the *modus operandus* and syndicate involved in this serious white collar fraud. Therefore, he has prayed before this court that the pre-arrest bail should be rejected.

9. Having heard the counsel for the parties, this court finds sufficient force in the submission of Mr. Datta, learned P.P. appearing for the State.

In the result, this application stands dismissed.

CHIEF JUSTICE(ACTING)

