

Order No. 10

dt. 15.12.2022

Accused Romen Agarwal is produced from JC.

Ld. Spl. PP, Arijit Chakraborty is present by filing hazira. He has submitted a petition for further judicial custody of above named accused.

Ld. Advocate for the accused person is present.

One bail prayer is submitted for the accused person.

The prayer for bail and the petition for judicial remand of the accused is taken up together for brevity of discussion.

Ld. Advocate for the accused person submitted that his client is in judicial custody since after 03.11.2022. For last 55 days he is detained in custody and completely cooperated with the Investigating agency. He is a permanent resident of Kolkata and as such, there is no chance of his absconding if he is released on bail.

Ld. Advocate for the accused person raised objection against the prayer for judicial remand. It is stated that further detention of the accused in custody is no longer necessary in view of his prolonged detention.

It is further submitted that since after judicial custody of the accused person the ED has taken the permission of the court for his interrogation but as per the instruction of his client no further interrogation is done. So, it should be accepted that no further interrogation is necessary. The accused person is suffering from various diseases. As per the direction of the court the Medical officer, Presidency Correctional Home has reported that the accused is suffering from various ailments and he shall be referred to Surgery OPD for further medical management. The accused is having his permanent residence. He shall not abscond. Accordingly, his prayer for bail be allowed refusing the prayer for further judicial remand.

Ld. Spl. PP at the very outset of his argument submitted that in course of investigation Rs. 1.65 Crore (approx) was seized from the residence of the accused person. The accused admitted that he was part of a Syndicate for conversion of ill-gotten/tainted money from illegitimate sources into legitimate money and as a broker he has earned Rs. 1.75 Crore approximately. The accused has also admitted several transactions amounting to lakhs of USD from Crypto Wallets under his control and management to the Crypto Wallet of prime accused Amir Khan. Several users accounts with Crypto currency to the tune of Rs. 150.22 BTC equivalent to Rs. 22.87 Crores approximately has been frizzed.

It is also argued that voluminous incriminating materials and digital evidence is recovered and seized during search operation conducted at the premises connected to this accused. His connivance with other associates is forthcoming. To unearth the money trail further investigation is necessary and for the same of investigation further custodial interrogation shall be required. The accused person cannot and should not be enlarged on bail unless the conditions of section 45 of PMLA, 2002 are satisfied.

Considered the rival submission touching the prayer for bail and the application for judicial custody. On perusal of the materials available before me and the preliminary stage of investigation, I do not think that this is the proper stage to allow the prayer for bail. The liberty on bail to the accused person may result serious disruption in the process of investigation. The possibility of absconding cannot be ruled out. There may be the chances that this accused may pose threat to the process of investigation. Accordingly, considering above noted facts and in view of the conditions/restriction of section 45 of PMLA, 2002 the prayer for bail is rejected and for the interest of investigation the accused person is remanded to judicial custody till **19.12.2022**.

The Investigating agency is permitted to interrogate the accused person as and when required during his judicial custody.

(2)

The Superintendent, Presidency Correctional Home is directed to cooperate with the I.O for the purpose of interrogation of the accused and recording his statement during his detention in the JC.

On the prayer of the Ld. Advocate for the accused person, the Superintendent, Presidency Correctional Home is directed to submit a report as to the medical health of the accused and what step has been taken for his further medical treatment as per the report of the Medical officer dated 30.11.2022.

Ld. Advocate for the accused person submitted a prayer for allowing the accused to put his signature in form No. 12 and 13 and on declaration for renewal of Motor Training license. It is stated in the petition that the accused person is proprietor of VIP Motor Training School.

Considered the prayer. In the order dated 01.12.2022 it was observed that signature of the accused can be allowed to be taken.

Accordingly, The Superintendent, Presidency Correctional Home is directed to allow and assist the accused person to put his signature on form No. 12 & 13 and on declaration for renewal of Motor Training School license. In doing so the Superintendent, Presidency Correctional Home shall comply with all the required formalities as per law.

Let a copy of this order be supplied to the I.O through Ld. Spl. PP and another copy be sent to Superintendent, Presidency Correctional Home for his information.

A copy of this order be also supplied to the Ld. Spl. PP.

Dictated & corrected by me.

S.d/-
Judge-in-Charge
Spl. (CBI) Court -1
Bichar Bhawan, Calcutta

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