

M. L. CASE NO. 03 OF 2025
CNR NO. WBCS01-000226-2025
Present: Sri Soumendra Nath Das
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO. WB01132

Order No.03 dated 08.04.2025

Today is fixed for production of both the accused persons **Chirag Kapoor alias Chintak Raj** and **Yogesh Dua** from the custody of Enforcement Directorate before this Court.

Both the accused persons namely **Chirag Kapoor alias Chintak Raj** and **Yogesh Dua** are produced before this Court from the custody of Enforcement Directorate.

Two Arrest memos, two arrest orders, two personal search memos, two grounds of arrests, two reasons to believe under section 19(1) of the PMLA, 2002, and two medical examination reports of both the accused persons namely **Chirag Kapoor alias Chintak Raj** and **Yogesh Dua** are filed before this Court by the Enforcement Directorate.

Both the accused persons namely **Chirag Kapoor alias Chintak Raj** and **Yogesh Dua** are taken into custody.

Ld. Special P.P for the Enforcement Directorate is present.

Ld. Advocate for the accused person namely **Yogesh Dua** is present by filing fresh vakalatnama and files an application praying for rejecting the remand prayer of this accused person either in police custody or in Judicial custody as prayed for by the Prosecution/Enforcement Directorate.

Copy served with an endorsement strongly objected to.

Ld. Advocate for the accused person namely **Chirag Kapoor alias Chintak Raj** is present and files a petition praying for bail of this accused person.

Copy served with an endorsement objected to.

Complainant/Enforcement Directorate is present.

Prashant Chandila, Assistant Director of Enforcement Directorate, Kolkata files an application under section 167(2) of Cr.P.C (corresponding to section 187 (2) of BNSS 2023) read with section 19 and section 65 of PMLA, 2002 through the Ld. Special P.P praying for judicial custody of both the accused persons, namely **Chirag Kapoor alias Chintak Raj** and **Yogesh Dua** in connection with ECIR No. KLZO-1/06/2025 dated 24.03.2025 for the purpose of thorough and proper investigation of this case and also prays for permission for interrogation of both the accused persons **Chirag Kapoor alias Chintak Raj** and **Yogesh Dua** in judicial custody and to record their statements u/s 50 of PMLA, 2002.

Copies served to the other side.

Now the bail petition filed today on behalf of the accused person **Chirag Kapoor alias Chintak Raj** is taken up for hearing.

Ld. Advocate of the accused/petitioner **Chirag Kapoor alias Chintak Raj** is detained in custody for a long time and the arrest of this accused/petitioner is totally illegal and the allegations against this accused/petitioner are totally false and he is no way connected with the alleged offence and this accused/petitioner is a reputed businessman and he has a fixed place of residence and the father of this accused/petitioner is suffering from advanced stage of cancer and other ailments and

further custodial interrogation of this accused/petitioner is not required as the necessary seizure has already been made and he prays for bail of this accused/petitioner on any terms and conditions.

In reply, Ld. Special P.P of the Enforcement Directorate vehemently objects to the bail prayer of this accused/petitioner and submits that this accused/petitioner was found involved in a criminal conspiracy in which he had impersonated himself as government officials of Government agencies like Central Bureau of Investigation and Customs department and thereby he had contacted with the complainant over phone and WhatsApp, falsely accusing the complainant of being involved in money laundering activities.

Ld. Special P.P of the Enforcement Directorate further submits that this accused/petitioner had deceived the complainant by creating fraudulent documents, including forged letters bearing the logos of the Hon'ble Supreme Court of India, Reserve Bank of India, Customs, and CBI, issued in the name of victim and used the said fraudulent documents to support his false claims and through these manipulations, the accused/petitioner had instilled fear and emotional distress and ultimately coerced the complainant into transferring Rs. 47 lakhs to several bank accounts under the guise of an ongoing investigation, thereby causing the complainant a wrongful loss of Rs. 47 lakhs and the custodial interrogation of this accused/petitioner is very much necessary to obtain proceeds of crime with the aim of converting the illegal money into legitimate money and he prays for rejection of bail prayer of this accused/petitioner.

Heard both sides.

Perused the petition of the accused/petitioner **Chirag Kapoor alias Chintak Raj**, materials in the case record and the complaint of the Enforcement Directorate wherefrom it reveals that the accused/petitioner Chirag Kapoor @ Chintak Raj is the Director in various companies and this accused/petitioner in connivance with other accused person recruited other persons for the purpose of extorting proceeds of crime from innocent people across the country by way of cheating them and this accused/petitioner was allegedly also in contact with different banking personnel and opened bank accounts in the name of different persons and thereby he used to collect the proceeds of crime in those accounts and large sums of money were transferred into his bank accounts and the searches had been conducted at the premises of this accused/petitioner and various incriminating documents, mobile phones, passbooks, and cheque books belonging to various entities used in the crime were seized from his possession.

I also find from the case record that this accused/petitioner is involved in the commission of offence of money laundering, by indulging in criminal conspiracy with several other persons, to obtain proceeds of crime with the aim of converting the illegal money into legitimate money and he had indulged, assisted, involved and is a party in the process and activity connected to the proceeds of crime including its concealment, possession, acquisition, use and projecting and claiming the said proceeds of crime as untainted property deriving illegal monetary gains and had committed the alleged offence of Money Laundering u/s 3 of Prevention of Money Laundering Act, 2002 punishable under section 4 of the said act.

I refer to the Judgement of the Hon'ble Supreme Court of India in the case of **Y.S. Jagan Mohan Reddy vs CBI** reported in **(2013) 7 SCC 439** wherein it has been observed by the Hon'ble Supreme Court of India that the economic offences constitute a class apart and need to be visited with a different approach in the matter of bail.

I am also of the view that white collar crime having deep rooted conspiracies and involving huge loss of public funds needs 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.

I also refer to the Judgement of the Hon'ble Supreme Court of India in the case of **Rohit Tandon vs Directorate of Enforcement** reported in **(2018) 11 SCC 46** wherein the Hon'ble Court had held that Court should consider whether the accused was possessed of requisite mens rea and has to record its findings on basis of broad probabilities regarding possibility of accused committing offence under the Act after grant of bail.

I am also of the view that on perusal of the complaint, I find no reasonable grounds to believe that the accused persons are not guilty of the alleged offence and that they are not likely to commit any offence while on bail.

I also refer to the Judgement of the Hon'ble High Court at Calcutta in the case of **Sabitri Rani Bhunia Alias Sabitri Bhunia vs State of West Bengal in Special Leave Petition (Criminal) no. 15208 of 2024 and 15209 of 2024** wherein the Hon'ble Court had held that the seriousness of the allegation and the attitude of the present petitioner along with others do not create any confidence in the mind of this Court that no such similar offences will be committed by the present petitioner if he is enlarged on bail. Thus, antecedents of the petitioner do not allow our conscience to allow the prayer for bail at this stage.

I also refer to the Judgement of the Hon'ble Supreme Court of India in the case of **P. Chidambaram Vs. Directorate of Enforcement in Criminal Appeal No. 1340 of 2019** -- Economic offences stand as a different class as they affect the economic fabric of the society. In *Directorate of Enforcement v. Ashok Kumar Jain*, it was held that in economic offences, the accused is not entitled to anticipatory bail. The Solicitor General submitted that the "Scheduled offence" and "offence of money laundering" are independent of each other and PMLA being a special enactment applicable to the offence of money laundering is not a fit case for grant of anticipatory bail.

The Hon'ble Apex Court further held that money laundering being an economic offence committed with much planning and deliberate design poses a serious threat to the nation's economy and financial integrity and in order to unearth the laundering and trail of money, custodial interrogation of the appellant is necessary. Grant of anticipatory bail at the stage of investigation may frustrate the investigating agency in interrogating the accused and in collecting the useful information and also the materials which might have been concealed. Success in such interrogation would elude if the accused knows that he is protected by the order of the court. Grant of anticipatory bail, particularly in economic offences would definitely hamper the effective investigation. Having regard to the materials said to have been collected by the respondent-

Enforcement Directorate and considering the stage of the investigation, this Court is of the view that it is not a fit case to grant anticipatory bail.

I also refer to the Judgement of the Hon'ble Supreme Court of India in the case of **Pankaj Grover Vs. Directorate of Enforcement, Govt. Of India, Lucknow in Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. No. 7661 of 2021** -- In State of Gujarat v. Mohanlal Jitamalji Porwal (1987) 2 SCC 364, the Hon'ble Supreme Court observed: "[...] 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 [...]"

Considering the nature and gravity of the offence including the progress of the investigation so far and the law laid down by the Hon'ble Courts and the rigors of section 45 of the PMLA indicating the twin conditions of bail being mandatory in nature and to be complied with before the accused person can be released on bail and thus the prayer for bail of this accused/petitioner namely **Chirag Kapoor alias Chintak Raj** is **rejected**.

Now the prayer for remanding of both the accused persons namely **Chirag Kapoor alias Chintak Raj** and **Yogesh Dua** in judicial custody are taken up for hearing together with an application praying for rejecting the remand prayer of the accused person namely **Yogesh Dua** either in police custody or in Judicial custody as prayed for by the Prosecution/Enforcement Directorate.

Ld. Special P.P. for the Enforcement Directorate submits that the accused persons were involved in a criminal conspiracy in which they impersonated themselves as government officials of Government agencies like Central Bureau of Investigation and Customs department and thereby the accused persons had contacted with the complainant over phone and WhatsApp, falsely accusing the complainant of being involved in money laundering activities and threatening her with arrest and asset seizure.

Ld. Special P.P. for the Enforcement Directorate further submits that the accused persons had deceived the complainant by creating fraudulent documents, including forged letters bearing the logos of the Hon'ble Supreme Court of India, Reserve Bank of India, Customs, and CBI, issued in the name of victim and used the said fraudulent documents to support their false claims and through these manipulations, the accused persons had instilled fear and emotional distress and ultimately coerced the complainant into transferring Rs. 47 lakhs to several bank accounts under the guise of an ongoing investigation, thereby causing the complainant a wrongful loss of Rs. 47 lakhs.

Ld. Special P.P for the Enforcement Directorate further submits that during the investigation conducted by Cyber PS, Kolkata it was also revealed that the funds which were collected through the bank account under the name of "M/s Brainburst Robotics", with Ms. Burney as the sole proprietor and the searches conducted at the premises of the accused persons resulted into seizure of

various incriminating documents, mobile phones, passbooks, and cheque books belonging to various entities used in the crime.

Ld. Special P.P for the Enforcement Directorate strenuously contended that the investigation in the case is going on with regard to properties of the said accused persons and related transactions for collecting the proceeds of crime and further, statements of the persons associated to the accused persons are required to be recorded to ascertain the truth of the facts and trace out the money trail in connection with proceeds of crime.

Ld. Special for the Enforcement Directorate further submits that the investigation is clearly indicating that both the accused persons Chirag Kapoor and Yogesh Dua are involved in the commission of offences of money laundering, by indulging in criminal conspiracy with several other persons, to obtain proceeds of crime with the aim of converting the illegal money into legitimate money and they had knowingly indulged, assisted, involved and is a party in the process and activity connected to the proceeds of crime including its concealment, possession, acquisition, use and projecting and claiming the said proceeds of crime as untainted property deriving illegal monetary gains and both the accused persons have committed the offence of Money Laundering u/s 3 of Prevention of Money Laundering Act, 2002 punishable under section 4 of the said act and he prays for judicial custody of both the accused persons for the purpose of thorough and proper investigation of this case.

Ld. Special for the Enforcement Directorate draws the attention of this Court to the PML(Material to adjudicating authority), Rules 2(1) (g) which is as follows :-

“ material” means any information or material in the possession of the Director or Deputy Director or Assistant Director or any authorized officer, as the case may be, on the basis of which he has recorded reasons under sub-section (1) of section 19 of the Act”.

In reply, Ld. Advocate for the accused person namely Yogesh Dua raises objection to the remand prayer of this accused person either in J.C or in P.C and submits that no absolute case or guilt has been established by the Enforcement Directorate while making the arrest of this accused person and provisions of Section 19 PMLA has been violated by the E.D and the arrest of this accused/petitioner is totally illegal and there is no materials in the grounds of arrest or reasons to believe indicating that any guilty has been committed by this accused/petitioner for which his further custody is not required.

Ld. Advocate for the accused person namely Yogesh Dua further submits that this accused/petitioner has no way connected with the accused person Chirag Kapoor alias Chintak Raj and there is no materials against him to establish that business transaction was there in between them.

Ld. Advocate for the accused person draws the attention of this Court to **Section 19. reads as follows Power to arrest.** -

(1) If the Director, Deputy Director, Assistant Director or any other officer authorized in this behalf by the Central Government by general or special order, has on the basis of material in his possession, reason to believe (that reason to such belief to be recorded in writing) that any person has been guilty of an offence punishable under this Act, he may arrest such person and shall, as soon as may be, inform him of the grounds for such arrest.

(2) The Director, Deputy Director, Assistant Director or any other officer shall, immediately after arrest of such person under sub section (1), forward a copy of the order along with the material in his possession, referred to in that sub-section, to the Adjudicating Authority, in a sealed envelope, in the manner, as may be prescribed and such Adjudicating Authority shall keep such order and material for such period, as may be prescribed”.

Ld. Advocate for the accused person draws the attention of this Court to definitions of 2(1) (u) of the PMLA which is as follows :-

“ (u) “Proceeds of crime” means any property derived or obtained, directly or indirectly by any person as a result of criminal activity relating to a scheduled offence or the value of any such property;”

In support of his contentions, Ld. Advocate for the accused person cited several Judgements and draws the attention of this Court which are as follows :-

- 1) **State of Punjab vs Davinder Pal Singh Bhullar & Others reported in (2011) 14 SCC 770;**
- 2) **Vijay Madanlal Choudhary and Others vs Union of India reported in 2022 SCC OnLine SC 929;**
- 3) **V.Senthil Balaji vs State reported in 2023 SCC OnLine SC 934** and
- 4) **Arvind Kejriwal vs Directorate of Enforcement reported in 2024 SCC OnLine SC 1703.**

By relying the above referred Judgements of the Hon’ble Apex Court, Ld. Advocate for the accused person submits that the arrest of this accused person is totally illegal and this accused person should be released outright without filing any bail application.

Heard both sides.

Perused the materials on record, the ECIR of the Enforcement Directorate, the petition of the Enforcement Directorate including the petition of the Ld. Advocate for the accused person.

It appears from the case record, I find that the investigation conducted so far reveals that both the accused persons namely, **Chirag Kapoor alias Chintak Raj** and **Yogesh Dua** are prima facie involved in the commission of offence of money laundering, by indulging in criminal conspiracy with several other persons, to obtain proceeds of crime with the aim of converting the illegal money into legitimate money and they had knowingly indulged, assisted, involved and is a party in the process and activity connected to the proceeds of crime including its concealment, possession, acquisition, use and projecting and claiming the said proceeds of crime as untainted property deriving illegal monetary gains.

It also appears that Chirag Kapoor created numerous companies in order to create several bank accounts and used to set up shops, business models to create addresses of the companies which was necessary to open bank accounts as the process of bank accounts include the address verification by the bank officials. It is also a fact that no legitimate business activities were conducted through these companies and the bank accounts were used for commissioning of scheduled offence and acquisition of proceeds of crime by way of posing as Government Officials.

Considering the nature and gravity of the offence and the materials on record and also prima facie being satisfied with regard to the commission of offence of money-laundering and to get to the root of the money trail and therefore there is reason to believe with regard to the allegations of Money Laundering u/s 3 of Prevention of Money Laundering Act, 2002 punishable under section 4 of the said act, thus, the prayer for remanding of both the accused persons namely **Chirag Kapoor**

alias Chintak Raj and Yogesh Dua to judicial custody is **allowed** till **21.04.2025** and the prayer of the accused/petitioner Yogesh Dua for releasing him is rejected.

Having heard the Ld. Advocate for the Enforcement Directorate, the prayer of the IO to interrogate both the accused persons **Chirag Kapoor alias Chintak Raj and Yogesh Dua** in judicial custody with liberty to record statements u/s 50 of PMLA, 2002, if any, of these two accused persons is also allowed in the interest of proper and thorough investigation of this case.

The I.O/ Assistant Director, Enforcement Directorate along with his team is at liberty to interrogate and record the statements u/s 50 of PMLA, 2002 of both the accused persons namely **Chirag Kapoor alias Chintak Raj and Yogesh Dua** in the concerned Correctional Home in presence of the Jail Superintendent but outside the scope and ambit of his hearing and after compliance of all the legal formalities with regard to interrogation inside the correctional home premises and the same is to be after proper identification of the team of the officers of Enforcement Directorate.

The Superintendent of Presidency Correctional Home is directed to render all cooperation after proper verification of the identity of the team of officers of the investigating agency.

Fix **21.04.2025** for production of both the accused persons namely **Chirag Kapoor alias Chintak Raj and Yogesh Dua** before this Court from J.C.

Both the accused persons namely accused persons namely **Chirag Kapoor alias Chintak Raj and Yogesh Dua** be remanded to the J.C till **21.04.2025**.

Issue custody warrants accordingly.

C.D be returned.

Let a copy of this order be sent to the Enforcement Directorate for information and necessary compliance.

Let a copy of this order be also sent to the Superintendent President Correctional Home for information.

Dictated & corrected by me

Sd/-

Chief Judge,
City Sessions Court, Calcutta.

Sd/-

Chief Judge,
City Sessions Court, Calcutta.