

M.L Case No 04 of 2025
CNR-WBCS01-00251-2025
Present: Sri Sukumar Ray
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB00590.

Order No. 21 dated 13.11.2025

1. Today is fixed for production of the accused persons, namely, Azad Mallick @ Ahammed Hossain Azad and Indubhusan Halder and hearing of the bail petition of accused Indubhusan Halder.
2. Both the accused persons, namely Azad Mallick @ Ahammed Hossain Azad and Indubhusan Halder are produced virtually before this Court.
3. Ld. Special Public Prosecutor for the Enforcement Directorate is present.
4. Complainant is present by filing hazira.
5. Ld. Advocate and Ld. Legal Aid Defence Counsel for the accused persons are present.
6. Now, the bail petition of accused Indubhusan Halder is taken up for hearing.
7. Ld. Advocate for accused Indubhushan Halder prays for bail of this accused person on the grounds that-
 - i. he is not only sick but also infirm and he is sufficiently old and he is suffering from multiple serious ailments, including a critical heart condition and tuberculosis.
 - ii. he is sick and infirm, so he is entitled to get the benefit of bail as per proviso laid down in Section 45(1) of the Prevention of Money Laundering Act;
 - iii. he is in custody since 13.10.2025;
 - iv. he has been falsely entangled in this case and the allegations against him are totally false and fabricated;
 - v. no incriminating articles were recovered from his possession;
 - vi. he has complied with the notice and fully cooperated with the investigation and
 - vii. there is no further development in this case.
8. Countering such submissions, Ld. Special Public Prosecutor, by filing written objection, submitted that there is no materials on record which goes to suggest that this accused/petitioner is suffering from serious illness and he is not in a position to move. He further submitted that the physical condition of the accused/petitioner does not come within the ambit of infirm, so he is not entitled to get the privilege of proviso to sub-Section (1) of Section 45 of the Prevention of Money Laundering Act. He further submits that this accused person knowingly indulged, assisted and facilitated the prime accused to procure Indian Passports by way of submitting fake and forged documents in lieu of money and he is directly involved in the process and activity connected to the proceeds of crime. He further submits that the anticipatory bail prayer of this accused person has already been rejected by the Hon'ble High Court, Calcutta

vide CRM(A) 1856 of 2025. So, he prays for rejection of bail prayer of this accused person.

9. On careful perusal of the proviso to section 45(1) of the PMLA, it appears to me that the proviso to Section 45(1) of the PMLA carves out an exception from the rigors of Section 45 for persons who are sick or infirm. Once a person falls within the proviso of Section of 45(1), he need not satisfy the twin conditions under Section 45(1) of PMLA. It further appears to me that though no straight jacket formula can be laid down as to what is the level of sickness that a person is to suffer to entitle him to bail under Section 45(1) proviso, the thumb rule is that the sickness should be so serious that it is life threatening and the treatment is so specialized that it cannot be provided in the jail hospital.
10. On careful perusal of the medical report submitted by the Senior Medical Officer, Presidency Correctional Home dated 06.11.2025, it appears that the accused/petitioner is currently on regular medications as per the recommendations of doctors of SSKM Hospital, Kolkata and he remains under continuous medical supervision.
11. It further appears that when the sickness or infirmity is of such a nature that it is life threatening and requires medical assistance that cannot be provided in penitentiary hospitals, then the accused should be granted bail under the proviso to section 45(1) Prevention of Money Laundering Act.
12. There is no whisper in the medical report that the sickness suffered by the accused/petitioner is so serious and life endangering that it cannot be treated in jail. It is true that the accused/petitioner is aged about more than 57 years but mere old age does not make him infirm to fall within proviso to Sub-Section (1) of 45 of Prevention of Money Laundering Act. Infirmity is defined as not something that is only relatable to age but must consist of disability which incapacitates a person to perform ordinary routine activities on a day to day basis.
13. Considering the facts and circumstances and in view of the medical report, available on record, I am of the view that the accused/petitioner is not entitled to get the privilege of proviso to Sub- Section (1) 45 of the Prevention of Money Laundering Act.
14. The offence of money laundering is a very serious offence which is committed by an individual with a deliberate desire and the motive to enhance his gains, disregarding the interest of the nation and the society as a whole, and such offence by no stretch of imagination can be regarded as an offence of trivial nature. The stringent provisions have been made in the Act to combat the menace of money laundering.
15. There is no material available, on record, which goes to suggest that there is reasonable grounds for believing that the accused/petitioner was no guilty of alleged offence under the Prevention of Money Laundering Act. Moreover, smell of involvement of a racket to commit a crime of present description in a methodic manner pops up from the materials on record.
16. For the aforesaid reasons, I am not inclined to allow the prayer for bail of this accused/petitioner, namely Indubhushan Halder.

17. Accordingly, the prayer for bail of the accused/petitioner, namely, Indubhushan Halder, stands **rejected**.
18. However, the Superintendent Presidency Correctional Home is directed to provide all medical assistance to the accused Indubhushan Halder as per advise of the doctors of SSKM Hospital and provide proper medicine as and when required for better treatment and management.
19. Ld. Special Public Prosecutor files a petition praying for extension of judicial custody of accused Indhubhushan Halder in the interest of ongoing investigation and also prays for permitting the Investigating Officer and his team to interrogate and record the statement of accused Indhubhushan Halder.
20. Heard. Considered. The prayers are allowed for the sake of thorough and proper investigation of this case.
21. The Investigating Officer is at liberty to interrogate and record the statement of this accused person in the concerned correctional home in presence of 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 done after proper identification of the team of the Officers of Enforcement Directorate.
22. 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.
23. Both the accused persons namely Azad Mallick @ Ahammed Hossain Azad and Indubhusan Halder be remanded to J.C till **27.11.2025**.
24. Fixing **27.11.2025** for production of the accused persons.
25. Let a copy of this order be sent to the Superintendent of Presidency Correctional Home for information and necessary compliance.
26. Let a copy of this order be also given to the I.O through Ld. Special Public Prosecutor for Enforcement Directorate for information.

Dictated & corrected by me

Sd/-
Chief Judge
City Sessions Court, Calcutta.

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