

M.L. CASE NO. 07 OF 2025
CNR NO.WBCS01-000371-2025
Present: Sri Sukumar Ray
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB00590.

Order no. 04 dated 09.06.2025

Today is fixed for hearing of the bail petition dated 02.06.2025 filed on behalf of the accused person namely Md. Anarul Islam alongwith written objection filed by the prosecution and hearing of the petition dated 06.06.2025 filed by the prosecution/Enforcement Directorate.

Ld. Special Public Prosecutor for Enforcement Directorate as well as the Ld. Advocate for the accused person are present.

Now the bail petition in respect of accused Md. Anarul Islam is taken up for hearing.

At this stage, Ld. Advocate for the accused person files a petition and prays for time.

Heard. Considered. The prayer for time is allowed for ends of justice.

Now the petition filed by the prosecution is taken up for hearing.

The petition is moved.

Ld. Special Public Prosecutor prays for passing necessary direction upon the Superintendent, Choudwar Circle Jail, Cuttack, Odisha and Odisha Police for production of the accused Saiyad Jiyajur Rahaman before this Court and also prays for permission to interrogate the accused Saiyad Jiyajur Rahaman and record his statement under section 50 PMLA, 2002.

In support of his contention, he has placed his reliance upon the Judgment of the Hon'ble Calcutta High Court in the case of Sujay Krishna Bhadra verses State of West Bengal and others wherein the Hon'ble Court observed that "a police officer may arrest a person in custody in one case in two ways :

(i) by making a formal/paper arrest in custody and thereafter make an application for issuance of production warrant before the jurisdictional court for his production in court and seek remand; or

(ii) in the alternative he may directly make an application before the jurisdictional court for issuance of production warrant for production of the accused and seek remedy".

Considering the settled principles of law, I am inclined to allow the prayer of the Enforcement Directorate.

The Choudwar Circle Jail, Cuttack, Odisha and Odisha Police are directed to produce the accused Saiyad Jiyajur Rahaman before this Court on the next date fixed positively i.e. on 13.06.2025 to provide necessary logistic support and facilitate the officers of the Directorate of Enforcement for production.

The I.O is at liberty to interrogate and record the statement of the accused person Saiyad Jiyajur Rahaman with interrogation 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.

The Superintendent, Choudwar Circle Jail, Cuttack, Odisha is directed to render all cooperation after proper verification of the identity of the team of officers of the investigating agency.

Fixing **13.06.2025** for production of accused Saiyad Jiyajur Rahaman and hearing of the bail petition filed on behalf of accused Md. Anarul Islam.

To date i.e. on **16.06.2025** for production of accused Md. Anarul Islam and Dilip Kumar Maity.

Let a copy of this order be sent to the Choudwar Circle Jail, Cuttack, Odisha through Enforcement Directorate for strict compliance of this order.

Let a copy of this order be also sent to the Investigating Officer through Ld. Special P.P of Enforcement Directorate for information.

Case diary be returned.

Dictated & corrected by me

Sd/-
Chief Judge
City Sessions Court, Calcutta.

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Chief Judge
City Sessions Court, Calcutta.