M.L Case No 12 of 2024
CNR-WBCS01-001058-2024

Order No **02** dated **02.01.2025**

The record is put up today as one supplementary case record is received from the Court of Ld. Chief Judicial Magistrate, Calcutta vide memo no. 0014 dated 02.01.2025 in one file containing 31 pages.

Let the supplementary case record be tagged with the original case record.

Received one medical report of the accused person namely Sanjay Kumar Sureka from the Superintendent of Presidency Correctional Home vide memo no. 26/IMB dated 01.01.2025.

Seen the same and let it be kept with the record.

The accused person namely **Sanjay Kumar Sureka** is produced before this Court from J.C as per order dated 31.12.2024 passed by the Ld. Chief Judicial Magistrate, Calcutta in charge.

Ld. Special P.P of Enforcement Directorate is present before this Court.

Ld. Advocate for the accused person namely Sanjay Kumar Sureka is present and files a petition praying for bail of the accused person.

Copy served with an endorsement received and objected to.

One petition is filed by Mr. Manish Kumar, Assistant Director of Enforcement Directorate praying for remanding the accused person namely Sanjay Kumar Sureka in further judicial custody in the interest of thorough and proper investigation of this case and also prays for permission in favour of the Investigating Officer or other authorized officer of the complainant for interrogation of the accused person Sanjay Kumar Sureka in judicial custody and to record his statements.

Now the bail petition in respect of the accused person **Sanjay Kumar Sureka** is taken up for hearing.

Ld. Advocate for the accused/petitioner submits that this accused/petitioner was detained in custody since 18.12.2024 and the allegations against this accused/petitioner are totally false and he is no way connected with the alleged offence of money laundering.

Ld. Advocate for the accused/petitioner further submits that search and seizure was conducted at the petitioner's residence on 17.12.2024 and it started from 6:40 a.m to 9:10 p.m and during this period several documents, loose sheets, and electronic devises were seized and subsequently the accused/petitioner was arrested at the Enforcement Directorate Office on 18.12.2024 at 1:10 am after 19 hours of continuous interrogation.

Ld. Advocate for the accused/petitioner further submits that the arrest order and memo dated 18.12.2024 revealed that they were pre-typed with blank spaces left for inserting the arrest time indicating pre-determined decision to arrest the accused/petitioner prior to the search operation and there was procedural irregularities with respect to holding of search and seizure.

Ld. Advocate for the accused/petitioner further submits that this accused/petitioner is suffering from various ailments and there is no chance of his absconsion and he prays for bail of this accused/petitioner on any terms and conditions.

Ld. Spl P.P of Enforcement Directorate raises vehement objection to the bail prayer of this accused/petitioner and submits that the allegations against this accused/petitioner are very serious in nature and there is sufficient prima facie materials in the case record indicating the direct involvement of this accused/petitioner in the alleged offence of siphoning off public money and the investigation has revealed during the custody period of this accused/petitioner that this accused/petitioner is the beneficial owner of at least 62 numbers of dummy companies/firms where this accused/petitioner had appointed at least 34 employees /ex-employees of CSPL and his relatives as directors, partners and proprietors against some extra money and such companies were only created in paper by this accused/petitioner for the sole purpose of siphoning off funds cheated from the Banks or financial institutions and several assets have been generated out of the proceeds of crime in the name of these beneficially owned companies of this accused/petitioner.

Ld. Spl P.P of Enforcement Directorate prays for rejection of bail prayer of this accused/petitioner as crores of rupees are involved in this case and he is very much involved in the alleged scheduled offence under the PMLA, 2002 and the investigation is at the initial stage.

Heard both sides.

Perused the materials on the case record and the complaint.

I refer to the Judgement of the Hon'ble High Court of Bombay in the case **Babulal Verma and Another Vs Enforcement Directorate and Another** reported in **2021 SCC Online Bombay 392** wherein it has been held in paragraph 29 and 30 as follows :-

29. "The language of Sections 3 and 4 of PMLA, makes it absolutely clear that, the investigation of an offence under Section 3, which is punishable under Section 4, is not dependent upon the ultimate result of the Predicate/Scheduled Offence. In other words, it is a totally independent investigation as defined and contemplated under Section 2(na), of an offence committed under Section 3 of the said Act".

30. PMLA is a special statute enacted with a specific object i.e. to track and investitgate cases of money-laundering. Therefore, after lodgment of Predicate/Scheduled Offence, its ultimate result will not have any hearing on the lodgment investigation of a crime under the PMLA and the offence under the PMLA will survive and stand alone on its own. A Predicate/Scheduled Offence is necessary only for registration of crime/launching prosecution under PMLA and once a crime is registered under the PMLA then the ED has to take it to its logical end, as contemplated under Section 44 of the Act".

Considering the nature and gravity of the economic offence and also considering the materials in the complaint indicating siphoning off funds of thousand of crores and that the investigation of the present case is at the nascent stage and to ascertain the money trail of the proceeds of crime and for tracing out the concealed properties suppressed by the accused/petitioner and also prima facie involvement of this accused/petitioner in the alleged scheduled offence under the PMLA, 2002 and the rigours of the section 45 of the PMLA and the twin conditions relating to bail, this Court is of the view that the accused/petitioner does not deserve the concession of bail at this stage.

I am of the view that if this accused/petitioner is granted bail then there is every chance that he will repeat the same offence and shall destroy further evidence, influence the witnesses, terrorize the witnesses, dissipate and transfer the proceeds of crime and commits such type of fraudulent activities which will jeopardize the investigation done under the PMLA, 2002.

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 and the investigation is required to be done to unearth the money trail and to identify the proceeds of crime as defined u/s 2(1) (u) of PMLA, 2002.

Accordingly, the prayer for bail of this accused/petitioner **Sanjay Kumar Sureka** is **rejected.**

Now the prayer for remanding of the accused person **Sanjay Kumar Sureka** in further judicial custody is taken up for hearing.

Ld. Special P.P of Enforcement Directorate submits that during investigation it reveals that this accused/petitioner is the beneficial owner of at least 62 numbers of dummy companies/firms where this accused/petitioner had appointed at least 34 employees /ex-employees of CSPL and his relatives as directors, partners and proprietors against some extra money and such fictitious companies were created by this accused/petitioner for the sole purpose of siphoning off funds cheated from the Banks or financial institutions.

Ld. Special P.P of Enforcement Directorate prays for remanding the accused person in further judicial custody for the purpose of thorough and proper investigation of this case and also to ascertain further trail of proceeds of crime involved in this case, to ascertain the other beneficiaries of the proceeds of crime in connection with this case and to identify further properties (immovable/ movable)/assets acquired from the proceeds of crime by this accused person.

Ld. Advocates for the accused person raises objection to the remand prayer made by the Ld. Spl. P.P of the Enforcement Directorate and submits that no seizure list has been produced before this Court along with the arrest memos, arrest order, personal search memo and other documents and the said fact is a lacunae on the part of the prosecution side.

In reply, Ld. Spl. P.P for the Enforcement Directorate submits that as per section 17, 18 and 20 of the Prevention of Money Laundering Act, 2002 the seizure list containing all the seized articles have been forwarded to the adjudicating authority as per mandate of the statute and for taking necessary steps for freezing of such properties.

Heard both sides.

Perused the materials in the case record and the complaint wherefrom it appears that accused person **Sanjay Kumar Sureka** is allegedly found to be involved in siphoning off public funds to the tune of Rs 6210.72 crores and the investigation has revealed that this accused/petitioner is the beneficial owner of at least 62 numbers of dummy companies/firms where this accused/petitioner had appointed at least 34 employees /ex-employees of CSPL and his relatives as directors, partners and proprietors against some extra money and such fictitious companies were created by this accused/petitioner for the sole purpose of siphoning off funds cheated from the Banks and financial institutions.

Considering all these and also considering the materials in the case record, this Court is prima facie satisfied with regard to the commission of offence of money-laundering and there is reason to believe with regard to the allegations of involvement of this accused person Sanjay Kumar Sureka in the economic offence resulting to the damaging of the economy of this nation by siphoning off crores of rupees and as such further judicial custody of this accused person Sanjay Kumar Sureka is very much necessary for unearthing the money trial and to identify the proceeds of crime.

Accordingly, the prayer for remanding the accused person **Sanjay Kumar Sureka** in further judicial custody is considered and **allowed**.

The accused person **Sanjay Kumar Sureka** be remanded to J.C till **16.01.2025.**

Having heard the Ld. Special P.P of the Enforcement Directorate, the prayer for interrogation of the accused person namely **Sanjay Kumar Sureka** in judicial custody with liberty to record statements u/s 50 of PMLA, 2002, if any, of this accused person is also allowed in the interest of proper and thorough investigation of this case.

The Investigating Officer and his team are at liberty to interrogate and record the statement u/s 50 of PMLA, 2002 of this accused persons namely **Sanjay Kumar Sureka** 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 done after proper identification and verification 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.

On perusal of the medical report dated 01.01.2025 I find that the accused person **Sanjay Kumar Sureka** is currently on conservative treatment as per advise of the house physician and will be followed up at Gastroenterology OPD of SSKM hospital as soon as possible as his condition is not well.

In view of such report dated 01.01.2025 of the Senior Medical Officer, Presidency Correctional Home, the Presidency Correctional Home authority is directed to continue with his treatment strictly as per the advise of the Medical Officer of the Presidency Correctional Home and to submit a report in this regard on the next date fixed positively.

Fix **16.01.2025** for production of the accused person **Sanjay Kumar Sureka** before this Court from J.C.

Let a copy of this order be sent to the Superintendent of Presidency Correctional Home for information and necessary compliance.

Let a copy of this order be sent to the I.O of this case for information and necessary compliance.

Dictated & corrected by me

Sd/-	Sd/-
Chief Judge, City Sessions Court, Calcutta.	Chief Judge, City Sessions Court, Calcutta.