

M. L. CASE NO.09 OF 2024
CNR NO.WBCS01-000842-2024

Present: Sri Sukumar Ray
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB00590.

Order No.20 dated 22.05.2025

Today is fixed for production, appearance of the accused persons and hearing of the petitions u/s 305 of the Cr. P.C. in respect of the accused no. 20) **M/s ND Infosystem Pvt. Ltd.**

Today is also fixed for hearing reply on the point of law in respect of the bail petitions of the accused persons namely **(A-1) Prasanna Kumar Roy** and **(A-2) Chandan Mondal**.

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

Ld. Counsels for the accused persons are present before this Court.

The accused persons namely **(A-1) Prasanna Kumar Roy, (A-2) Chandan Mondal, (A-3) Santi Prasad Sinha, (A-5) Ashok Kumar Saha, (A-7) Kalyanmoy Ganguly** and **(A-8) Subires Bhattacharyya** are produced before this Court from the J.C through virtual mode.

Ld. Counsel appointed from LADCS, Kolkata for the accused person named (A-3) Santi Prasad Sinha is present by filing hazira along with Assignment bearing no. 1869/LADCS-KOL/2025 dated 15.05.2025.

Let the same be kept with the record.

The accused persons namely **(A-4) Samarjit Acharya, (A-6) Saumitra Sarkar, (A-9) Smt. Parna Bose, (A-11) Niladri Das, (A-12) Puneet Kumar, (A-13) Pankaj Bansal, (A-14) Anoy Saha, (A-15) Subrata Samanta, (A-16) Santu Das, (A-17) Pradip Singh** and **(A-18) Smt. Kajal Soni Roy** are found absent on repeated calls.

Ld. Counsels for the accused persons no. 12, 15, 16, 17 and 18 filed separate petitions praying for condoning their absence with a further prayer for adjournment.

Ld. Advocates for the accused person nos. 04, 08, 09, 11, 13 and 14 by filing separate petitions submitted that one of the accused persons namely Dr. Kalyanmoy Ganguly moved before the Hon'ble High Court at Calcutta vide CRM (R) 6 of 2025 and the same is fixed for hearing on 12th June, 2025 before the Hon'ble High Court at Calcutta and therefore they prayed for an adjournment.

Ld. Counsel for the accused person no. 06 by filing a petition along with a Xerox copy of Activity Schedule dated 08.05.2025 submits that the accused/petitioner is unable to appear before this Court due to his engagement in examination duty and therefore prays for condoning his absence with a further prayer for an adjournment.

Heard both sides.

Prayer for an adjournment is considered and allowed with a direction upon all the above named accused persons to appear before this Court on the next date fixed positively i.d. necessary order.

Now the petition u/s 305 of the Cr.P.C in respect of the accused no. 20) **M/s ND Infosystem Pvt. Ltd** is taken up for hearing.

At this stage, A petition is filed on behalf of the accused no. 20) **M/s ND Infosystem Pvt. Ltd** stating that the Ld. Counsel is not in a position to attend court today and therefore an adjournment has been prayed for.

Ld. Special P.P for Enforcement Directorate raises no objection.

Heard and the time prayer is allowed.

Ld. Advocate for the accused/company no. 10) M/s NYSA Communications Pvt. Ltd files a petition and prays for time.

Heard and the time prayer is allowed.

No step is taken on behalf of the accused/company no. 19 M/s Shree Durga Dealcom Pvt. Ltd.

It appears from the case record that on 07.03.2025 Ld. Advocate for the accused/company no. 19 M/s Shree Durga Dealcom Pvt. Ltd files a petition with an undertaking to file vakalatnama in respect of the said accused/company but today no step is taken on behalf of the said accused/company.

On the last occasion also no step was taken on behalf of the accused no.19.

So, Ld. Advocate for the accused/company no. 19 M/s Shree Durga Dealcom Pvt. Ltd is directed to take steps on the next date fixed otherwise necessary order will be passed.

Ld. Counsel for the accused person no. (A-7) Kalyanmoy Ganguly by filing a petition praying for production before this Court on the next date fixed in V.C. mode.

Heard. Considered.

In view of the above fact, the Superintendent of Presidency Correctional Home is at liberty to produce the accused/petitioner in virtual mode on the next date fixed.

Now, the record is taken up for hearing reply on the point of law in respect of the bail petitions of the accused persons namely **(A-1) Prasanna Kumar Roy** and **(A-2) Chandan Mondal**.

The bail petitions are moved.

Ld. Advocate of the accused/petitioner **Prasanna Kumar Roy** prays for bail of this accused/petitioner on the ground that he is falsely implicated in this case and he was arrested on 26.11.2024 on the basis of production warrant and detained in custody for more than about 123 days.

He further submits that the grounds for arrest as produced by the Investigating Agency are not only devoid of any factual basis but also lack any substantial evidence to support their claims and the reasons to believe are not substantiated, offering merely a reiteration of the allegations.

He further submits that this accused/petitioner is no way connected with the alleged offence and the investigating agency has failed to establish a solid chain of evidence to trace out the proceeds of crime from its origin to its utilization.

So, he prays for bail subject to any terms & conditions.

Ld. Advocate of the accused/petitioner **Chandan Mondal** prays for bail on the ground that this accused/petitioner has been falsely implicated in this case and he was arrested on 26.11.2024 on the basis of production warrant and he is detained in custody for more than about 123 days.

He further submits that the grounds for arrest as produced by the Investigating Agency are not only devoid of any factual basis but also lack any substantial evidence to support their claims and the reasons to believe are equally not substantiated, offering merely a reiteration of the allegations.

He further submits that this accused/petitioner is no way connected with the alleged offence and the investigating agency has failed to establish a solid chain of evidence to trace out the proceeds of crime from its origin to its utilization.

So, he prays for bail subject to any terms & conditions.

Ld. Advocate for the accused/petitioners submits that they have been have arrayed in many cases as accused and have been in custody for a considerable period of time.

In support of his contention, he has placed reliance upon the judgments in **Chandra Prakash Khandelwal vs Directorate of Enforcement reported in 2023 SCC Online Del 1094**, in **Preeti Chandra Vs Enforcement Directorate, reported in 2023 SCC OnLine Del 3266** and in **Asif Hanif Thara Vs Enforcement Directorate reported in 2024 SCC OnLine MP 7379**.

In view of the judgment, Ld. Advocate for the accused/petitioner tried to impress upon the Court that the statements u/s 50 of the Prevention of Money Laundering Act is not admissible.

Ld. Advocate for the accused/petitioners further submitted that Enforcement Directorate has failed to produce any cogent document connecting with accused persons to the proceeds of crime.

He further submitted that mere recovery of unaccounted money does not ipsofacto proves that an accused person has committed an offence under the Prevention of Money Laundering Act.

In support of his contention, he has placed his reliance upon the judgments in **Hemant Soren vs Directorate of Enforcement reported in 2023 SCC Online Jhar 2042**, in **Sanjay Jain vs Enforcement Directorate reported in 2024 SCC OnLine Del 1656** and in **Ajay Kumar Chandraprakash Baheti vs Directorate of Enforcement reported in 2022 SCC OnLine Bom 1451**.

Ld. Advocate for the accused/petitioners further submits that there is no legal basis to release the accused on bail in regard to the economic offences.

In support of his contention, he has placed his reliance upon the Judgments in P. Chidabaram vs Directorate of Enforcement (2020) 13 SCC 791, in Dr. Lakhwinder Singh vs Directorate of Enforcement, Government of India 2022 SCC OnLine HP 6166.

Ld. Advocate for the accused/petitioners further submits that principle of bail is rule and jail is an exception is equally applicable in cases under Prevention of Money Laundering Act.

In support of his contention, he has placed his reliance upon the judgments in Prem Prakash vs Enforcement Directorate (2024) 9 SCC 787 and in Manish Sisodia vs Enforcement Directorate 2024 SCC OnLine SC 1920.

He further submits that statement of a co-accused is not a substantive piece of evidence.

In support of his contention, he has placed his reliance upon the judgments in Sanjay Jain vs Enforcement Directorate 2024 SCC Online Del 1656.

He further submits that there was no explanation of delay on the part of the Enforcement Directorate in registering the Information Report.

In support of his contention, he has placed his reliance upon the Judgments in Arvind Jejriwal vs Directorate Enforcement 2024 SCC OnLine SC 2550.

Ld. Advocate for Petitioner has raised cavil on the inadmissibility of the statements of the Petitioners recorded u/s 50 of the PMLA Act and has submitted that the statement of the co-accused is not admissible.

Perusal of the case diary however suggests that even if the statements are given go bye, there are sufficient independent materials against the accused/petitioners which are sufficiently incriminating.

Countering such submission Ld. Special Public Prosecutor of Enforcement Directorate submits that since information relating to acquisition of huge amount of illegal gratification in the matter of public empowerment has come to the notice of the Enforcement Directorate then & there they can register the information report.

Countering such submissions, Ld. Special P.P of Enforcement Directorate opposes the bail prayer vehemently on the ground that these accused/petitioners Prasanna Kumar Roy and Chandan Mondal are actively involved in high level corruption/illegal activities of providing jobs of group C and group D posts to undeserving candidates by issuing appointment letters on the basis of fake & illegal recommendation letters.

He further submits that during investigation it reveals that several properties in the name of the accused persons and their entities have been identified as proceeds of crime from the alleged illegal recruitment of undeserving candidates and the accused persons are directly involved in generation, acquisition of the proceeds of crime and projecting the same as untainted property and have committed the alleged offence under the PMLA 2002.

Ld. Special Public Prosecutor further submits that if the accused is liberated on bail, the accused may indulge in the siphoning off proceeds of crime.

He further submits that in view of the rigors of the mandatory twin conditions of Section 45(1) of the PMLA Act, the accused is not entitled to get bail particularly when the investigation is going on.

In support of his contention, he has placed his reliance upon the judgments as follows :

- 1) In Y. Balaji Vs Karthik Desari & Another reported in 2023 SCC OnLine SC 645;
- 2) In Union of India through the Assistant Director vs Kanhaiya Prasad reported in 2025 SCC OnLine SC 306;
- 3) In Rana Ayyub vs Directorate of Enforcement reported in (2023) 4 Supreme Court Cases 357;
- 4) In Anand Kumar Kapur vs Union of India & Others reported in 2024 SCC OnLine Del 4483; and
- 5) Zin Manik Madhukar Sarve & Others Vs Vitthal Demuji Meher and Others reported in (2024) 10 Supreme Court Cases 753.

Heard both sides at length.

On careful perusal of the petition of complaint as well as the case diary it appears that since information regarding the acquisition of huge amount of illegal gratification in the matter of public employment has come into public domain then & there the Enforcement Directorate registered an information report. This is because acquisition is an activity amounting to money laundering and the illegal gratification acquired by public servant represents, proceeds of crime, generated free illegal activity in respect of scheduled offences.

The points raised by the Ld. Counsel in regard to the delay, in my view, cannot be effectually adjudicated at this stage.

It appears from the materials on record that accused Prasanna Kumar Roy, through his agents/sub-agents, used to collect details of candidates and monies from them for getting their illegal appointment on the post of Group C & D posts. Most of the monies were collected in cash from the candidates. Sometimes, the monies were also collected through banking channels by Prasanna Kumar Roy in his account and in the accounts of entities related to him.

It further appears from the materials on record that accused Chandan Mondal was one of the main agents of accused Prasanna Kumar Roy who had collected details from candidates as well as monies from them which he handed over to said Prasanna Kumar Roy @ Rakesh. Shri Chandan Mondal arranged recruitment of Shri Santu Das to the post of Clerk (Group C post) at Charmondal CMPPBK Fulmohan High School, Bagdah, Bongaon, North 24 Parganas in consideration amount of Rs. 8 lakhs and accused Chandan Mondal used the bank account of Shri Santu Das & his family members used to deposit the amounts collected from undeserving candidates and transfer the same to the accounts related to Shri Prasanna Kumar Roy. A total sum of Rs. 4,69,43,000/- (approx) was transferred by Chandan Mondal using the bank accounts of Santu Das and his family members and besides using the bank accounts of Santu Das, Shri Chandan Mondal also used his own bank account to transfer funds to the accounts of Shri Prasanna Kumar Roy & related entities.

It further appears from the materials on record that statements of the sellers that they were paid total amount of Rs. 88,00,000 by accused Prasanna Kumar Roy against sale of the said land parcels. Out of the said amount, the sellers have received Rs. 18,00,000/- (amount shown in registered deed) through bank accounts and Rs. 70,00,000/- in cash from the accused Prasanna Kumar Roy.

It further appears from the materials on record that accused Prasanna Kumar Roy used to register properties at highly undervalued price (even below the Circle rate prescribed by the Govt. of West Bengal) and was paying the difference amount (of actual consideration and amount shown in registered deed) in cash to the sellers. This modus-operandi was adopted by accused Prasanna Kumar Roy to dispose & also to hide the origin of the cash amounts obtained by him by way of committing the scheduled offences.

I have carefully perused the case diary and the materials available on record.

On scrutiny of the record, it appears that the accused/petitioners stand implicated in a high-profile recruitment scam within the Government sector.

Granting bail to the accused carries with an inherent risk of witness intimidation.

The accused/petitioners are not only alleged participants in a well-orchestrated scheme involving multiple high-profile individuals but also beneficiaries of a systemic exploitation of the recruitment process within the Government Sector. The likelihood of the accused intervening or exerting pressure on witnesses is substantial, given the potential repercussions such a scam has on the individuals involved.

Additionally, the potential for flight risk cannot be understated. The accused are associated with a sophisticated network allegedly designed to manipulate recruitment practices for personal gain. Given the serious nature of the offences charged, including fraud and conspiracy, coupled with the significant penalties that may result, it is reasonable to predict a temptation for the accused to evade prosecution if granted bail.

The gravity of the offence extends beyond the immediate parties involved and carries severe ramifications for the system, a cornerstone of societal development and governance. The allegations suggest a profound disruption to the recruitment process that underpin the institutional framework. Any act that undermines public trust in this domain has far-reaching and detrimental effects on public confidence and social stability.

In the light of the extensive implications that the accused's alleged actions have on the public trust in the system, it is paramount that the Court prioritize the broader public interest in its deliberations. The release of the accused at this moment could give a signal to the public a lack of accountability for those involved in egregious misconduct, thereby further eroding confidence in the institutions that govern the state.

The circumstances present critical risks not only to the integrity of the legal process but also to the very foundation of our institutions.

For the aforesaid reasons, the bail prayers of the accused persons namely **Prasanna Kumar Roy and Chandan Mondal** are here by **rejected**.

Return the case diary at once.

Fixing **05.06.2025** for production of the accused persons **(A-1) Prasanna Kumar Roy, (A-2) Chandan Mondal, (A-3) Santi Prasad Sinha, (A-5) Ashok Kumar Saha, (A-7) Kalyanmoy Ganguly** and **(A-8) Subires Bhattacharyya**.

The accused persons **(A-1) Prasanna Kumar Roy, (A-2) Chandan Mondal, (A-3) Santi Prasad Sinha, (A-5) Ashok Kumar Saha, (A-7) Kalyanmoy Ganguly** and **(A-8) Subires Bhattacharyya J.C** till **05.06.2025**.

Fix **23.06.2025** for appearance of the accused persons and hearing of the petition u/s 305 of the Cr.P.C in respect of the accused no.20) **M/s ND Infosystem Pvt. Ltd.**

Let a copy of this order be sent to the complainant for ED through the Ld. Special P.P. for information and necessary action.

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

D/C by me

Sd/-

Chief Judge
City Sessions Court, Calcutta

Sd/-

Chief Judge
City Sessions Court, Calcutta