

M.L. CASE NO 08 OF 2024

CNR-WBCS01-000995-2024

Present: Sri Soumendra Nath Das
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB01132

Order no.05 dated 17.03.2025

To-day is fixed for appearance of the accused person nos.1) Shri Tridip Pal @ Apu Da, 2) Md. Arman, 3) Shri Sanjib Dolui and 4) Shri Rakesh Mahato before this Court positively and hearing of the petition u/s 305 of Cr.P.C. dated 22.01.2025 filed on behalf of the accused/company no.5) M/S. BT Merchants Pvt. Ltd.

Mr. Adil Rashid, Ld. Special P.P. for the Complainant/E.D. is present by filing hazira.

The accused person namely 1) Shri Tridip Pal @ Apu Da is found absent on calls.

A petition along with Xerox copies of medical papers has been filed on behalf of the accused person namely 1) Shri Tridip Pal @ Apu Da stating that the accused/petitioner is unable to attend Court today as he is unable to walk and the consulting doctor has directed/prescribed him to complete bed rest for at least 5 to 6 weeks and therefore Ld. Counsel prayed for condoning absence of the said accused person with a further prayer for an adjournment.

Copy served as per the endorsement.

Ld. Counsel for the Complainant/E.D. submits that on the last occasion also the accused person namely Shri Tridip Pal @ Apu Da did not appear before this Court, however on medical ground no objection is raised on behalf of the Ld. Counsel for the Complainant/E.D.

Heard the Ld. Counsel for the Complainant/E.D. and the Ld. Counsel for the accused no.1 on the point of an adjournment.

Upon hearing the submissions of both sides and also consideration of the submissions that the accused person namely Shri Tridip Pal @ Apu Da is ill, prayer for an adjournment is considered and allowed with a direction upon the accused person no.1) Shri Tridip Pal @ Apu Da to appear before this Court on the next date fixed positively i.d. necessary order will be passed in accordance with law.

The accused person nos.2) Md. Arman, 3) Shri Sanjib Dolui and 4) Shri Rakesh Mahato are present before this Court today.

The accused person nos.2) Md. Arman, 3) Shri Sanjib Dolui and 4) Shri Rakesh Mahato are taken into custody.

Ld. Counsels for the accused person nos.2) Md. Arman, 3) Shri Sanjib Dolui and 4) Shri Rakesh Mahato have filed three separate bail applications praying for their bail.

Copies served as per the endorsements.

The bail applications dated 17.03.2025 filed on behalf of the accused persons nos.2) Md. Arman, 3) Shri Sanjib Dolui and 4) Shri Rakesh Mahato are taken up for hearing.

Ld. Advocate of the accused/petitioner **2) Md. Arman** submits that after receiving notice issued from this Court this accused/petitioner has voluntarily surrendered before this Court and he is no way connected with the alleged offence and this accused/petitioner has been falsely implicated in this case and the charge sheet has already been submitted in this case and custodial interrogation of this accused/petitioner is not necessary and he prays for bail of this accused/petitioner on any terms and conditions.

Ld. Advocate of the accused/petitioner **3) Shri Sanjib Dolui** submits that after receiving notice issued from this Court this accused/petitioner has voluntarily surrendered before this Court and he is no way connected with the alleged offence and this accused/petitioner has been falsely implicated in this case and the charge sheet has already been submitted in this case and custodial interrogation of this accused/petitioner is not necessary and he prays for bail of this accused/petitioner on any terms and conditions.

Ld. Advocate of the accused/petitioner **4) Shri Rakesh Mahato** submits that after receiving notice issued from this Court this accused/petitioner has voluntarily surrendered before this Court and he is no way connected with the alleged offence and this accused/petitioner has been falsely implicated in this case and the charge sheet has already been submitted in this case and custodial interrogation of this accused/petitioner is not necessary and he prays for bail of this accused/petitioner on any terms and conditions.

In reply, Ld. Advocate of the Enforcement Directorate formally objects to the bail prayers of these accused/petitioners and submits that these accused/petitioners are directly involved in the process of smuggling of gold from Dhaka, Bangladesh to Kolkata and thereby were earning commission and they are found involved in the process or activity connected with the proceeds of crime and also knowingly is a party connected with the possession, acquisition and use of the proceeds of crime and they have committed the offence under section 3 of PMLA and punishable under section 4 of the said Act and huge quantity of gold valued upto crores of rupees are involved in this case and huge quantity of golds have been recovered from their possession and these accused/petitioners are the habitual offenders and he prays for rejection of bail prayers of these accused/petitioners.

Heard both sides.

Perused the petitions of the accused/petitioners **2) Md. Arman, 3) Shri Sanjib Dolui and 4) Shri Rakesh Mahato**, materials in the case record and the complaint of the Enforcement Directorate.

Considering the nature and gravity of the offence alleged and also considering the materials in the complaint of the Enforcement Directorate, these accused/petitioners are prima facie found to be involved in the alleged offence of smuggling of huge quantity of golds from Dhaka, Bangladesh to Kolkata in connivance with other accused persons and crores of rupees are involved in this case and the alleged gold have been recovered from the possession of these accused/petitioners and these accused/petitioners are the habitual offenders and the rigours of the section 45 of the PMLA, this Court is of the view that these accused/petitioners do not deserve the concession of bail at this stage, I am of the view that this is not a fit case to grant bail to these accused/petitioners namely **2) Md. Arman, 3) Shri Sanjib Dolui and 4) Shri Rakesh Mahato** at this stage.

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 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 Jitmalji 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 [...]"

The Hon'ble Apex Court further observed that to gain more and more profit, to become rich quick such criminal even has no problem to cause problem for the whole society, affect safety and security of life of societal members, misappropriation of public exchequer and ultimately affect completely the well being of society at large. In the way to accumulate money and to get physical commodities, life, property and well-being of common persons have no value. Criminal acts committed by such persons are creating a serious challenge before criminal justice system; It is difficult to identify whether crime was committed, when it is identified that crime was committed, it is difficult to find out clues and thereby evidences; when evidences are available, nature of evidences is completely different as not possible to be collected by simple investigating, presented by prosecution agency and ultimately to convict and sentence; when sentenced, simple sentence is not effective to deal with such modern criminals and their criminality. A criminal of such modern criminality are respected and influential persons with position, status, standing and means thereby they are always in situation to influence proceeding in investigation and prosecution, tamper with the evidences and pressurise witnesses.

Considering all these factors and the law laid down by the Hon'ble Courts, the prayers for bail of these accused/petitioners namely 2) **Md. Arman**, 3) **Shri Sanjib Dolui** and 4) **Shri Rakesh Mahato** are rejected.

Issue custody warrants accordingly.

The accused/petitioners namely 2) **Md. Arman**, 3) **Shri Sanjib Dolui** and 4) **Shri Rakesh Mahato** be remanded to J.C till **16.04.2025**.

Now, the petition u/s 305 of Cr. P.C. dated 22.01.2025 filed on behalf of the accused/company no.5) M/S. BT Merchants Pvt. Ltd. is taken up for hearing.

At this juncture, Ld. Advocate of the Complainant/E.D verbally prays for time for filing written objection against the petition u/s 305 of Cr. P.C. dated 22.01.2025 filed on behalf of the accused/company no.5) M/S. BT Merchants Pvt. Ltd.

Heard both sides.

Prayer for time is considered and allowed.

On submissions of all sides, fix **16.04.2025** for appearance of the accused person no.1) **Shri Tridip Pal @ Apu Da**, production of the accused person nos.2) **Md. Arman**, 3) **Shri Sanjib Dolui** and 4) **Shri Rakesh Mahato** before this Court from J.C. and hearing of the petition u/s 305 of Cr. P.C. dated 22.01.2025 filed on behalf of the accused/company no.5) M/S. BT Merchants Pvt. Ltd.

Written objection, if any, in the meantime.

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

Let a copy of this order be sent to the Complainant/ Enforcement Directorate through Ld.

Special P.P. for information.

D/C by me:

Sd./-
Chief Judge
City Sessions Court, Calcutta

Chief Judge
City Sessions Court, Calcutta

S.T No 01 (04) of 2023
Sessions Case No. 53 of 2022
CNR – WBCS01- 000784-2022
Present: Shri Soumendra Nath Das
JO Code No: – WB01132.
Chief Judge, City Sessions Court, Calcutta.

Order No 36 dated 17.03.2025

Today is fixed for hearing of the bail application dated 07.03.2025 filed on behalf of accused person namely **Gopal Kishan Pawar** and production of this accused person in virtual mode.

The accused person namely **Gopal Kishan Pawar** is produced from J.C. in virtual mode.

Ld. P.P in charge and Ld. Advocate for the accused person are present.

Now the bail application dated 07.03.2025 filed on behalf of accused personnamely **Gopal Kishan Pawar** is taken up for hearing.

Ld. Advocate for the accused/petitioner submits that this accused/petitioner was arrested on 25.01.2022 and since then he is detained in custody and he has been falsely implicated in this case and out of ten charge sheeted witnesses only three witnesses have been examined in full and there is no chance of immediate conclusion of trial and he prays for bail of this accused/petitioner on any terms and conditions.

In reply, Ld. P.P in charge raises vehement objection to the bail prayer of this accused/petitioner and submits that this is a case u/s 120B/489B/489C of the I.P.C and also u/s 16(1)(b)/17(b)/18 of the Unlawful Activities (Prevention) Act, 1967 and the high quality counterfeit notes were seized and recovered from his possession and the bail prayer of co-accused namely Netai Mondal has already been rejected by the Hon'ble High Court at Calcutta vide CRM (DB) 3640 of 2024 passed on 12.02.2025 and he prays for rejection of the bail prayer of this accused/petitioner.

Heard both sides.

Perused the materials in the case record and the C.D including the order of the Hon'ble High Court at Calcutta vide CRM (DB) 3640 of 2024 passed on 12.02.2025.

Considering the nature and gravity of the offence alleged and also considering the materials in the C.D indicating prima facie involvement of this accused/petitioner in the alleged offence of possessing, trafficking and circulating of huge quantity of high quality counterfeit notes and the same was recovered from the possession of this accused/petitioner attracting the commission of offences under the Unlawful Activities (Prevention) Act, 1967 and commission of such offences falling within the ambit of an act of terrorism and therefore I am of the view that this is not a fit case to grant bail to this accused/petitioner.

I 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 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.

In view of the above Judgement of the Hon'ble Court and the facts of this case, the bail petition dated 07.03.2025 filed in respect of accused/petitioner namely **Gopal Kishan Pawar** is **rejected**.

The accused person **Gopal Kishan Pawar** is remanded to J.C till date i.e. on 04.04.2025.

Today i.e. 04.04.2025 for production and further cross examination of P.W1.

C.D be returned.

D/C. by me.

Chief Judge
City Sessions Court, Calcutta.

Chief Judge
City Sessions Court, Calcutta.

S.T No 01(09) of 2023
Sessions Case No. 51 of 2023
CNR – WBCS01- 000681-2023
Present: Shri Soumendra Nath Das
JO Code No: – WB01132.
Chief Judge, City Sessions Court, Calcutta.

Order No 39 dated 17.03.2025

Today is fixed for hearing of the bail petition dated 11.03.2025 filed on behalf of accused person namely (A-2) Rejal Haque @ Rejaul Haque.

Ld. Advocate for the accused person and Ld. P.P are present.

Now the bail petition dated 11.03.2025 filed on behalf of accused person namely (A-2)**Rejal Haque @ Rejaul Haque** is taken up for hearing.

Ld. Advocate for the accused/petitioner submits that this accused/petitioner was arrested on 30.03.2023 and since then he is detained in custody and out of eight prosecution witnesses only two witnesses have been examined till today and there is no chance of immediate conclusion of trial and the other co-accused person has already been granted bail by the Hon'ble High Court at Calcutta vide CRM (DB) 87 of 2025 and this accused/petitioner is on the same footings and he prays for bail of this accused/petitioner on any terms and conditions.

In reply, Ld. P.P raised vehement objection to the bail prayer of this accused/petitioner and submits the allegations against this accused/petitioner are very serious in nature and huge quantity of explosive substances i.e. Potassium Chlorate and Arsenic Sulphide were recovered from the possession of this accused/petitioner and the trial is going on and at this stage if he is granted bail then there is every chance that he will abscond and interfere with the trial and he prays for rejection of the bail prayer of the accused/petitioner.

Heard both sides.

Perused the materials in the case record and the C.D including the order of the Hon'ble High Court Calcutta vide CRM (DB) 87 of 2025.

Considering the nature and gravity of the offence alleged and also considering the materials in the C.D including the recovery of huge quantity of explosive materials i.e. Potassium Chlorate and Arsenic Sulphide indicating the prima facie involvement of the accused/petitioner in the alleged offence, I am of the view that this is not a fit case to grant bail to this accused/petitioner. Moreover, the trial is going on and at this stage if this accused/petitioner is granted bail then there is every chance that he will abscond and interfere with the trial.

I 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 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.

In view of above Judgement of the Hon'ble Court and the deadly explosives seized from the possession of this accused/petitioner do not inspire confidence of this Court to grant him bail

and thus, the petition dated 11.03.2025 praying for bail of this accused person namely (A-2) **Rejal Haque @ Rejaul Haque** is rejected.

Todate i.e. 20.03.2025 for production of the accused persons and further cross examination of P.W2 namely Arun Kumar Mondal.

C.D be returned.

D/C. by me.

Chief Judge
City Sessions Court, Calcutta.

Chief Judge
City Sessions Court, Calcutta.