

**In the Court of the Additional District & Sessions Judge,  
Bongaon, Dist.- North 24 Parganas**

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Before

Shri Pradip Kumar Adhikary, WBJs,  
J O Code (UID No.) - WB916,  
Additional District & Sessions Judge,  
In-Charge,  
Bongaon, Dist.- North 24 Parganas.

**CNR NO.- WBNP 0600 0682 2025**  
**SC No.- 100 of 2025**  
**arising out of**  
**GR Case No.- 3694 of 2024**  
**arising out of**  
**Bagdah PS Case No.- 1057 dated 08/11/2024**  
**Charge-sheet submitted punishable under sections**

319(2)/318(4)/336(2)/341(2)/339/61(2)/338/317(4)/317(5) of the Bharatiya Nyaya Sanhita, 2023  
Similar sections 419/420/465/473/474/120B/467/413/414 of the Indian Penal Code, 1860

**State**

represented by Ld. Spl. PP-in-Charge Shri Soumajit Raha  
**v.**

**Suman Sadhukhan, Udayan Biswas @ Uday, Nabeen Biswas, Debabrata Mondal,  
Subrata Bala, Subrata Mondal, Niloy Ghosh, Sujoy Roy @ Raja, Arindam Biswas and  
Suman Biswas**

represented by Ld. Advocate Shri Mrinmay Sadhukhan, Shri Sujit Kumar Roy, Shri Chandan  
Mondal, Smt. Jayasree Chakraborty, Shri Himadri Paul, Shri Prasenjit Biswas, Shri Biman  
Prasad Biswas, Dipanjoy Dutta and Shri Shovan Biswas

Order No.- 01  
04/04/2025

Received the case record by way of commitment from the Court of the Ld. ACJM,  
Bongaon.

Considered the case record and order of commitment.

This is a Sessions Triable Case. Hence, cognizance of the above mentioned offence is  
taken.

Out of ten (10) accused seven (07) accused are produced physically and three (03)  
accused **Subrata Mondal, Arindam Biswas and Sujoy Roy @ Raja** are produced virtually  
and they are remanded to judicial custody till next date.

The Ld. Spl. PP-in-Charge is present by filing hazira.

The Ld. Advocate **Shri Mrinmay Basu** representing the accused **Suman  
Sadhukhan** has filed a fresh vakalatnama and an application praying for bail of the accused  
on the ground that the accused has been detaining behind the bar since long, he has  
permanent hearth and home within the jurisdiction of the Court and there is no chance of his  
absconson.

The Ld. Advocates **Shri Sujit Kumar Roy and Shri Chandan Mondal** representing  
the accsed **Udayan Biswas @ Uday** have also filed a fresh vakalatnama and an application  
praying for bail of the accused on the ground that the accused has been arrested on  
08/11/2024; he is no way connected with the alleged offence and he is falsely implicated in  
this case. The accused has permanent residence within the jurisdiction of the Court and as  
such there is no chance of absconding.

The Ld. Advocate **Smt. Jayasree Chakraborty** representing the accused **Subrata Mondal** has also filed a fresh vakalatnama and an application praying for bail of the accused on the ground that the accused is in jail since 08/11/2024.

The Ld. Advocate **Shri Himadri Paul** representing the accused **Arindam Biswas** has also filed an application praying for bail of the accused on the ground that the accused is an innocent person, he is no way connected with the case, he has been falsely implicated in this case, he has permanent hearth and home and as such there is no chance of his absconsion.

The Ld. Advocates **Shri Prosenjit Biswas and Shri Bimal Prasad Biswas** representing the accused **Niloy Ghosh, Sujoy Roy @ Raja** have also filed a fresh vakalatnama and an application praying for bail of the accused on the ground that the accused is innocent, he is falsely implicated, he has permanent hearth and home and there is no chance of his absconsion.

The Ld. Advocates **Shri Dipanjoy Dutta and Shri Shovan Biswas** representing the accused **Suman Biswas** have also filed a fresh vakalatnama and an application praying for bail of the accused on the ground that the accused has been languishing behind the bar from 13/12/2024; the accused has co-operated with the investigating agency in every possible way but he has been falsely inducted into this ploy, there is no chance of tampering of evidence, he has a local resident and has permanent home within the jurisdiction of the Court and has no chance of absconding.

Heard both sides.

Reiterating the grounds as mentioned in the bail application the **Ld. Advocate Shri Mrinmay Basu** representing the accused **Suman Sadhukhan** has submitted that only two personal mobile phones were seized from his client. The prosecution has failed to mention any other case number in which this accused is involved, nor any prevision conviction has been brought on record and as such the alleged penal sections are not application against this accsed who is languishing behind the bar since 13/12/2024.

Reiterating the grounds as mentioned in the bail application the **Ld. Advocates Shri Sujit Kumar Roy** representing the accsed **Udayan Biswas @ Uday** has pleaded that there are 31 companies which are involved with this case but the prosecution has failed to produce any details of all those companies. The accused persons are benefiacity of only 5% of the transacted money but the prosecution has failed to bring on record who are the beneficiaries of remaining money. Not a single victim has been brought on record. No statement has been recorded 164 CrPC. The accused has been booked falsely in a suo moto case.

Although a fresh vakalatnama is filed by Ld. Advocate **Smt. Jayasree Chakraborty** on behalf of the accused **Subrata Mondal** but she is found absent during hearing. The Ld. Advocate **Shri Sujit Kumar Roy** has made commitment that he would file a fresh vakalatnma on the next date. Reiterating the grounds as mentioned in the bail application the Ld. Advocate adopted the same argument as advanced for the accused Udayan Biswas @ Uday.

Reiterating the grounds as mentioned in the bail application **Shri Himadri Paul** representing the accsed **Arindam Biswas** has submitted that the accused is not FIR named. He is just a Relationship Manager of Axis Bank. He is no way involved with the alleged offence. There is no evidence of any wrong gain by this accused. No money has been credited in the account of this accused. In the charge-sheet no previous conviction has been mentioned against this accused. Only mobile phone and two SIM cards have been seized from this accused. This accused has been languishing in judicial custody for about 141 days. In the above circumstances the Ld. Advocate has prayed for release of the accused on any terms and conditions.

Reiterating the grounds as mentioned in the bail application Ld. Advocate **Shri Biman Prasad Biswas** representing the accused **Niloy Ghosh, Sujoy Roy @ Raja** has submitted that the accused is sole earning member of the family. Everything regarding investigation have already been done. No development has been found since the date of FIR which was lodged after seizure and arrest of six accused. The accused has been languishing behind the bar for 148 days. There is no chance of completion of trial immediately. The accused will face the trail.

Reiterating the grounds as mentioned in the bail application the Ld. Advocates **Shri Dipanjoy Dutta and Shri Shovan Biswas** representing the accused **Suman Biswas** have submitted that the accused is not named in FIR which has been lodged by police itself, not by any private party. Two mobiles without SIM have been seized from this accused. The accused was director of the company for a short duration. No further seizure has been made from this accused. No further development is found since charge-sheet is filed.

The Ld. Advocates on behalf of all the accused persons praying for bail have made some commission submission that charge-sheet has already been submitted, further detention of the accused is not required for the purpose of investigation. All the accused are of young ages and they have permanent hearth and home with the jurisdiction of this Court. There is no chance of their absconding. The accused will face the trial which will take long time since the charge-sheet is voluminous in nature. The Ld. Advocates on behalf of the accused persons have prayed for releasing the accused on bail at least interim on any stringent conditions and they will abide by the same.

Raising strong objection the Ld. Spl. PP-in-Charge has highlighted that total number of items seized from all the accused persons are numerous. All the accused persons are part of the big racket and it has international dimension up to Hongkong. There is high chance of tempering of evidence if the accused are enlarged on bail. There is also chance of absconding of the accused persons. There are other several cases against the accused persons.

The Ld. Spl PP-in-Charge has categorially highlighted that total sixteen (16) number of CMC applications were rejected on earlier occasion, out of which three (03) bail application were rejected prior to submission of charge-sheet and remaining twelve (12) bail applications were rejected after submission of charge-sheet and one (01) CMC application was not pressed.

Referring the case of ***Pallavi Mishra v. State of Odisha : 2024 SC OnLine Ori 1919*** the Ld. Spl. PP-in-Charge has pleaded that there is no chance of circumstances since successive bail applications were rejected and as such the present bail applications being succession applications are not permissible under law.

The Spl. PP-in-Charge has argued that this case relates to economic offence having huge bearing effect on the national economy. The case is at the verge of trial. At this stage if the accused are enlarged on bail, there is every chance of tampering of evidence. The accused may flee from justice. It is fit case for custody trial. In the above circumstances the Ld. Spl. PP-in-Charge has prayed for rejection of all the bail application.

Considered the materials on record including the case diary.

Upon such consideration and hearing it appears that although the accused are in custody but there are reasonable grounds for believing that the accused have been guilty of offence punishable with imprisonment for life.

From the case record, charge-sheet and the case diary it appears that the accused Subrata Mondal came in touch with a whatsapp group 'easypay' in the year 201 and then 'hahapay' for work from home whose group admin are Rajput, Jai and Elena who stated to invest INR in their platform for high profit and they will return 0.5% commission instantly of deposited amount. Agreeing with that proposal the accused Subrata Mondal and his associates i.e. other accused persons created total 31 private companies out of which he owned 04 companies as director and remaining accused persons are directors of other companies out of which one accused is a bank official. Several current / corporate bank accounts were created and connected with fake companies. The accused persons used to get 0.5% commission as crime proceed which was created to their fake company connected bank accounts.

The charge-sheet further reflects that the accused Subrata Mondal created crypto account in Binance platform and started PP transactions and started investment in USDT from his Binance account to the non-KYC crypto account for 'easypay' platform which was subsequently changed into 'hahapay' and the accused persons also invested there.

In both the cases i.e. in INR related crime as well as crpto related crimed the accused Subrata Mondal allured his other associates/accused persons and other unemployed youth under Bagdah PS area to join in this unholy business for instantly high profit and accordingly, a good number of people did the same.

The Ld. PP-in-Charge has submitted that more than 350 crores have bee credited in the bank accounts of all the accused persons.

It is found that crypto account has also been used.

There may be involvment of international racket.

The case diary reveals that from NCRP database it is found that 269 complaints have been registered in India and the cheating amount is Rs. 21.50 crores.

The case diary further highlights that threat and inducement may be caused upon the victims and witnesses if the accused are released on bail. Data extraction from various electronic gadgets/exhibits are still pending from CFDEEL. So, there is chance of tampering of evidence if the accused are released on bail.

The case record further brings into light that several bail applications of accused persons vide **CMC Nos.- 575 of 2024, 577 of 2024 and 42 of 2025** were already rejected before filing of charge-sheet and **CMC No.- 45 of 2025, 46 of 2025, 61 of 2025, 62 of 2025, 68 of 2025, 80 of 2025, 84 of 2025, 93 of 2025, 94 of 2025 102 of 2025, 105 of 2025, 110 of 2025, 120 of 2025 and 142 of 2025** were rejected after submission of charge-sheet by this Court on earlier occasions.

It is also glistens that several other cases have been registered against the accused persons in different places vide **Santragachi PS Case No.- 15 of 2024 dated 19/02/2024, Chandannagar Cyber PS Case No.- 53 of 2023, Barasat Cyber PS Case No.- 29 of 2024, Barasat Cyber PS Case No.- 62 of 2024 and Chandannagar PS Case No.- 16 of 2025.**

In ***Pallavi Mishra v. State of Odisha : 2024 SC OnLine Ori 1919*** it has been held that

*It is the settled position of law that successive bail applications are permissible under changed circumstances, but the change of circumstances must be substantial one which has a direct impact on the earlier decision and not merely cosmetic changes which are of little or no consequence. Without the change in the circumstances, the subsequent bail application would be deemed to be seeking review of the earlier rejection order, which is not permissible under criminal law. While entertaining such subsequent bail applications, the Court has a duty to consider the reasons and grounds on which the earlier bail application was rejected and what are the fresh grounds which persuade it to warrant the evaluation and consideration of the bail application afresh and to take a view different from the one taken in the earlier application. There must be some changes in the factual scenario or in law which requires the earlier view being interfered with or the relief can also be extended where the earlier finding has become obsolete. This is the limited area in which the application for bail of an accused which has been rejected earlier can be reconsidered. If a bail application is rejected considering some grounds urged by the counsel for the accused and on the self-same materials and without any change in the circumstances, the successive bail application is moved and the Court is asked to reconsider the prayer of bail, it would be an endless exercise for the Court and entertaining such application would be a sheer wastage of valuable time of the Court. The above proposition of law is bred-in-the-bone of the criminal justice system which has time and again been affirmed and reaffirmed by the Hon“ble Apex Court and if at all there is a need to cite an authority for precedential backing, I may rely on the case of **State of M.P. -Vrs.- Kajad reported in (2001) 7 Supreme Court Cases 673** in which it was categorically held that without the change in the circumstances, the second application would be deemed to be seeking review of the earlier judgment which is not permissible under criminal law.*

It has been further observed that

*Adverting to the contentions raised by the learned counsel for the respective parties, it is no more res integra that economic offences are always considered as grave offences as it affects the economy of the country as a whole and such offences having deep rooted conspiracy, involving huge loss of public fund are to be viewed seriously. Economic offences are committed with cool calculation and deliberate design solely with an eye on personal*

*profit regardless of the consequence to the community. In such type of offences, while granting bail, the Court has to keep in mind, inter alia, the larger interest of public and State. The nature and seriousness of an economic offence and its impact on the society are always important considerations in such a case and those aspects must squarely be dealt with by the Court while passing an order on bail applications.*

Here in this case the accused are charged with economic offences of huge magnitude which falls under the category of 'grave offence' which if proved may jeopardise the economy of the country. The charge-sheet has already been submitted. The case is at the verge of trial. There is no change in the circumstances after rejection of successive bail applications from 21/01/2025 till 20/03/2025 except that the accused persons have been detained in custody further for more days. However, progress of the proceeding of the case has not been stopped; in the meantime copies of police report, first information report recorded under section 154 CrPC, statement recorded under section 161 CrPC of all persons whom the prosecution proposes to examine as its witnesses and all other documents or relevant extract thereof forwarded by the police officer under section 173 of the CrPC were already furnished to the accused, free of cost and subsequently, the case has been committed to the Court of Sessions.

So, considering the nature of allegation, gravity of the offence, enormity of the crime, seriousness of the accusation of commission of economic offences by the accused persons by taking huge amounts, circumstances in which it was committed, severity of the punishment in the event of conviction, the nature/character and strength of evidence in support of the accusation/charge and the danger of justice being thwarted with by grant of bail, danger of the accused absconding or fleeing, if released on bail; likelihood of the offence being repeated and reasonable apprehension of tempering with the witnesses or apprehension of threat to the complainant, the larger interests of the public or the State since huge amount of public money is involved and stage of the case that the trial is about to start, all the bail applications are rejected at this stage.

The case diary is returned at once.

The Ld. Advocate Shri Sujit Kumar Roy has also filed a vakalatnama on behalf of one Santosh Mondala alleged to be owner of seized vehicle TATA SAFARI being no.-WB26BZ0377 and filed an application praying for call for a report in respect of the said seized vehicle and its all documents which has been seized by police.

The Ld. Spl. PP-in-Charge has raised objection.

Considering the ground and objection the prayer is allowed.

The Investigating Officer is directed to submit a report in this regard.

Let relevant portion of this order along with copy of the application for call for report be sent to the Investigating Officer for compliance.

The case record is transferred to the Court of the Ld. Additional District & Sessions Judge, Fast Track Court – II, Bongaon for disposal.

The Superintendent of concerned correctional homes are directed to produce the accused physically on the next date before the Ld. Transferree Court.

The Superintendent of concerned correctional homes be informed accordingly.

Bench Clerk is directed to do the needful at once.

To 21/04/2025 for production of the accused and framing of charge and submission of report by the I.O. before the Court of the Ld. Additional District & Sessions Judge, Fast Track Court – II, Bongaon.

Typed by me

Additional District & Sessions Judge,  
In-Charge,  
Bongaon, Dist.- North 24 Parganas.

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