

SC No. 100 of 2025

Order No. 16

Date: 12/11/2025

All ten accused are produced from the judicial custody. Today is filed for evidence at 12.00 am. One petition filed by the Id. Advocate for the accused persons representing nine (09) accused persons to the effect that Two CMC No. 30/2025 and CMC No. 3650 of 2025 has been filed before the Id. District Judge Barasat, North 24 Parganas and the case are fixed for hearing on 13/11/2025 and therefore prays for necessary order. Accused are produced in court at 12.00 a.m. None appeared for the accused. However, Id. Ld. Advocate for the accused persons appeared at about 02.30 p.m. On being asked Id. Advocate for the accused persons submitted that he is ready to cross examine the witnesses today. So case record is taken up for recording evidence.

Prosecution filed hazira of two witnesses. Accordingly, PW-2 is fully cross examined by the Id. Advocate for both parties. Thereafter PW-03 was also examined in chief and cross examined partly by Id. Advocate for 09 accused persons. Today prosecution marked Seizure list as Exbt. P-9(W.O), Signature of PW-3 on it marked Seizure list as Exbt. P-9/1(W.O). Signature of accused Udayan Biswas marked Seizure list as Exbt. P-9/2 (W.O) Signature of one woman relative of accused on it marked as Exbt. P-9/3. (W.O). Prosecution also filed and marked 17 nos of debit Cards/Cheque Books(06 nos) /One bank Pass Book/ Rubber stamp (04 nos) as Mat Exbt.8. (W.O). Label on the Mat Exbt marked as Mat Exbt. 8/1 collectively (W.O) Signature of PW-3 on it Mat Exbt. 8/2 (W.O). Signature of accused Udayan Biswas marked as Mat Exbt. 8/3 (W.O), Signature of witness on Mat Exbt. 8/4 (W.O)

Arrest memo marked as Exbt. P-10 (w.o), Signature of PW-3 on it marked as marked as Exbt. P-10/1 (w.o), Signature of accused Udayan Biswas on it as marked as Exbt. P-10/2 collectively (w.o), Signature of relative of accused on it marked as Exbt. P-10/3 (w.o),

It is now 05.30 p.m. There is other case record today. So case is adjourned.

Thereafter Id. Advocate for the accused Debabrata Mondal filed an application before the court praying for bail on the ground that the police at the time of arrest didn't mention the ground of arrest. He said that as per the guidelines of Hon'ble Apex Court in **Mihir Rajesh Shah vs State of Maharastra in criminal Appeal No.2195 of 2025**, accused is entitled to get bail He said that from the debit card seized from the possession of this accused contains only Rs.15000/- more or less. It is not a crime. Nothing

has proved. He said that even today PW-2 at the time of evidence stated that he has not informed the accused of the ground of arrest. So, he submitted for bail on any condition.

Ld. Special PP submitted that bail prayer of the co-accused has been repeatedly refused by the Hon'ble High Court. **There is allegation of fraud of all most rupees 350 crore rupees.** He said if bail is granted, they will temper the evidence. There are enough materials against the accused. He further submits that Hon'ble High Court has already refused their bail application and also directed this court to record evidence of at least 10 witnesses by the end of January 2026. Accused are highly skilled persons. They committed the fraud by **on-line gaming apps throughout India.** He further submitted that on the date of arrest of the accused the BNSS was not in force and therefore the ground of arrest was not mandatory at that time. He further submitted that all these facts have been narrated by the accused persons repeatedly before the Hon'ble High Court and after considering all aspect Hon'ble High Court refused their bail. Ld. Spl. PP further submits that **In State of Karnataka vs darshan etc. reported in SCC online SC 1702** the Hon'ble Apex Court has held that chain of evidence if not recorded bail can't be granted in this type of sensitive cases. So, he submitted for rejection of bail application.

Thus, considering all aspect I am of the view that the allegation against the accused is for mis appropriate of huge amount of money around rupees 350 crores. Trial has already been started. Consecutive dates already been fixed for evidence. Recording of vital witness is still pending. Thus, granting of bail to the accused at this moment may create complication in discharge of justice in this case and may cause delay in disposal of the case. Possibility of tempering of witness as stated by the Ld. Spl PP can't be overlooked. Thus, considering all aspect bail prayer of the accused person is rejected today for the greater interest of justice.

Thereafter Ld. Advocate for the accused persons submitted that tomorrow he will be busy in the CMC filed before the Hon'ble Dist. Judge Barasat in respect of this case. Ld. Spl. PP also acknowledge the same. Therefore, in consent of both parties recording of evidence for tomorrow is postpone.

To **13/11/2025** for production of the accused.

To **14/11/2025** for cross examination of PW-3 and evidence of another witness.

Both parties are directed to come ready tomorrow. **Mat Exbt.8** is returned to the person who brought it before the court today. Office to do the needful.

Additional Sessions Judge,
Fast Track Court-II, Bongaon,