

SC Case No.100 of 2025
GR case No.3694 of 2024
CNR No. WBNP060006822025

Order No. 5

Date: 19/05/2025

Out of 10 accused eight accused are produced in court physically and two accused produced before the court virtually. Ld. Spl. PP in charge is present in court.

Bail application filed on behalf of the **accused Sujoy Roy @ Raja, Niloy Ghosh Subrata Bala @ Partha, Suman Sandhukan, Debobrata Mondal and Nabeen Biswas** by their respective ld. Advocates on record.

One discharge application has also filed by accused Suman Biswas.

Today another application for return of seized vehicle bearing **Reg. No.WB-26B/70377** filed by one Santosh Mondal. In this case on 04/04/2025 prayer was made by the applicant Sontosh Mondal for calling the report from the I.O. Report of I.O received on 21/04/2025.

Ld. Advocate for the accused **Suman Biswas** submitted for taking his application for discharge first for decision. Accordingly said petition is taken up. Ld. Advocate for the accused **Suman Biswas** submitted for framing of charge the court has to see first *prima facie* case and sufficient evidence. Court is also required to see the difference of suspicion and grave suspicion. If it is mere suspicion the accused is liable to be discharged. He said in this case only two personal phones were seized by the IO. Accused is not a director of the alleged company. Prosecution failed to produce any papers regarding their directorship of the company. His name is no where appears as director of any company and therefore this accused Suman Biswas is liable to be discharged from this case. Accused relied upon various judgment of Hon'ble Apex Court and Hon'ble High Court and submitted for discharge of the accused from this case.

In reply ld. Spl. PP in charge submitted that the question of discharge doesn't arise at all. There are sufficient materials in this case against this accused. Had there been no such materials against this accused his bail prayer wouldn't have been rejected earlier by the court. Investigation has revealed ample evidence against this accused and his role in the Crime. Ld. Spl. PP further submitted that there is involvement of huge amount of money not less than 350 crores of rupees. He is the handler of the principle accused Subrata Mondal and others. Ld. Spl. PP in charge further submitted that in this case at about 22 crores of rupees was dealt with by the company of which the present accused Suman Ghosh is one of the directors. Accused will get amply opportunity to discard the allegation against him and at this stage there is no scope for the court to entertain a mini trial and discharge the accused from this case. Ld. Spl. PP further submitted that it is an international racket used to run by the accused and they used to deal with Crypto currency without the following the government rules and laws in this regard. Their modus operandi was to trap the victim by gamming apps and various others way. So, he opposes the prayer of discharge made by accused Suman Biswas.

Thus, considering the submission of the respective parties to the accused and materials in the case record, I think that huge amount of money is involved in this case. There are sufficient materials in this case against the accused which needs trial. The necessity to discharge the accused arises when there is no *prima facie* case against the accused. *i.e.* when there is no legal evidence against the accused or when the facts are such that no offence is made out or no details evaluation of the materials or meticulous consideration of possible defence is needed, then and then only the accused can be discharged from this case. In this case after investigation charge sheet submitted by the IO and the CD is voluminous which required meticulous consideration and without trial it can't be possible. Discharging the accused at this stage by perusing the record superficially is not possible and desirable. It is also not permissible for the court to hold a mini trial at this stage. I have perused the decision relied by the accused in support of his prayer. All the judgments of the Hon'ble Apex Court and High Court are the land mark judgments on this subject and guiding principle for the Court and very much helpful to understand the true prospect of law but doesn't fit to the facts and circumstances of the instant case for passing an order of

discharge of the accused Suman Biswas at this stage. Hence the prayer for discharged is considered and rejected today.

Thereafter Id. Advocates for the above-named accused persons **viz: Sujoy Roy @ RAJA and Niloy Ghosh** submitted for bail of the accused on any condition. He said that they are in custody for 189 days. There are no such materials against the accused in the alleged sections of charge sheet. He further submitted that there is no specific complaint against the accused by an individual. He said that other master mind of the alleged crime has not been arrested by the IO reason best known to the IO. He therefore submitted for bail of the accused on any condition.

Ld. Advocate for the accused **Subrata Bala @ Partha** submitted that accused is not FIR named. He was subsequently shown arrest by the Police. He is in judicial Custody for about 158 days. He never approached to the Higher Court for bail. If bail granted, he will comply all order of court.

Ld. Advocate for the accused **Suman Sadhukan, Debobrata Mondal and Nabeen Biswas** submitted accused are all young. They are in custody for long period of time. Considering their period of detention, bail may be granted.

Bail application for the accused **Udayan Biswas** moved today by his Id. Advocate. He said that on 05/05/2025 Hon'ble High Court has rejected his bail application. He said that there is no evidence of involvement of this accused with this crime. Allegation of 350 crores of rupees as alleged by the prosecution is totally baseless. They are ordinary/innocent people. Trial has not yet started. Nothing has recovered from their possession. So, bail may be granted on any condition.

In reply Id. Spl. PP in charge submitted that charge sheet was submitted in this case on 31/01/2025. In the previous order dated 04/04/2025 the Id. Court has already rejected their bail application after elaborate discussion. There is no further change in the circumstances after last bail hearing by the court. Accused are filling successive bail application with a view to delay the process. Ld. Spl. PP in charge further submitted that he came to know that bail application of one of the accused Arindam Biswas has also rejected by the Hon'ble High Court today. They will temper the evidence, delay the process. So, he submitted for rejection of the bail application.

Having regard to the submission of the parties to the case and the previous order of the court and the stage of this case as well as materials in the case record, I am of the view that there are ample materials against the accused in this case. Charge sheet has already filed against ten accused. Hon'ble High Court has also rejected the bail application of few of the accused. The fact that some of the accused didn't approach before the Hon'ble High Court doesn't make them entitle to get bail when there are sufficient materials against the accused. Huge amount of money is involved. Possibility of frustrating the trial can't be ruled out. Therefore, I don't see any justification in granting bail to any of the accused of this case at this crucial stage. So, bail prayer of all the accused made today is considered and rejected.

Ld. Advocate for the petitioner **Santosh Mondal** submitted that IO objected the prayer for return of the vehicle in this case. The objection is baseless. IO has no authority to record the statement of the petitioner. He relied upon the judgment of the Hon'ble Supreme Court in Special Leave petition (cri) 2745 of 2002, Judgment of Hon'ble Calcutta High Court in CRR 3623 of 2014 and CRR 2429/2009 of Hon'ble Calcutta High Court. He submitted that IO didn't take any steps to confiscated the seized vehicle so far. He has no authority to retain it. So, he submitted for return of the vehicle on any condition.

Against the application Id. Spl. PP in charge objected very strongly and submitted that Santosh Mondal the petitioner is the father of the accused Subrata Mondal one of the prime accused of this case and said vehicle was purchased by the illegal money gained by the accused in this case. So, he objected to return the vehicle.

Thus, considering all aspect I am of the view that judgment relied on by the accused is very much helpful to understand the true prospect of law but doesn't fit to the facts of the instant case. Allegation is very serious and financial crime. The vehicle alleged to have been purchased

by the accused Subrata Mondal in the name of his father. On the contrary the petitioner Santosh Mondal also at this stage failed to justify before the court as to how he purchased the vehicle from his tax paid money. In this situation prayer of the petitioner Santosh Mondal for return of the seized vehicle is also considered and rejected.

It is true that all the accused are in judicial custody now. Ld. Advocates also at the time of hearing of bail application raised the point of their custody for long period. Therefore, speedy disposal in the demand of justice now. So let a date be fixed for framing of charge

To **03/06/2025** for framing of charge.

Accused be produced before the court either physically or virtually as the case may be.

ADJ FTC-2, Bongaon

North 24 Parganas