05.02.2021

C.R.M.7803 of 2020

In the matter of : Manish Gupta

...petitioner.

With

CRM 8362 of 2019

In the matter of : Sk. Saharukh @ Sk. Sarukh

...petitioner.

With

CRM 9290 of 2019

In the matter of : Irfan Ali

...petitioner.

With

CRM 9337 of 2020

In the matter of : Mahammad Umar @ Md Umar

...petitioner.

Mr.Milon Mukherjee, Sr. Adv,
Mr.Suman De, Adv,
Mr. Biswajit Manna, Adv,
Mr.Soumya Basu Roy Chowdhury, Adv.
Mr.Atif Ahmed Siddiqui, Adv,
Mr.Pronojit Roy, Adv.

...For the petitioners.

Mr.Neguive Ahamed, Adv,
Mr.Sudip Ghosh, Adv,
Mr.Ranabir Ray Chowdhury, Adv,
Mr.Rudradipta Nandy, Adv.
Mr.Bitoshok Banerjee, Adv.

...for the State.

In re: CRM 8362 of 2019

On the basis of a *suo motu* complaint made by one Parth Sarathi Halder, Officer-in-Charge, Egra Police Station Case No. 43 of 2019 dated 13th January, 2019 was registered under Sections 120B/406/411/414/419/420/424/468/471 of the Indian Penal

Code and 66(D) of the Income Tax Act. It was alleged in the complaint that a group of fraudsters and racketeers deceived innocent persons over mobile phone informing them, inter alia, that they won lottery in Kaun Banega Crorepati (KBC) and huge amount of prize money would be credited to their account provided they would deposit some amount of money in a particular account number as processing fee. The innocent persons, on being deceived as such, deposited money in the account numbers provided by the said fraudsters. In this way, the offenders collected huge sum of money. Name of one Amirul Haque @ Buddha was stated in the written complaint as one of the kingpins of the racket and he engaged other First Information Report named accused persons as his agents.

It was further alleged in the First Information Report that money collected by way of deception and cheating is siphoned out to foreign countries, like, Pakistan and Dubai via Bangladesh.

During investigation the above named accused/petitioner was arrested in connection with the above noted case and some articles were seized from him.

Investigation of Egra Police Station Case No.43 of 2019 was subsequently taken by CID, West Bengal and on completion of investigation Charge-sheet was submitted against 17 accused persons including the petitioner. In the charge sheet, it is specifically alleged that the petitioner used to act as an agent of Amirul @ Buddha. The investigating Officer seized one Debit Card of Bank of India Master Card, one ATM/Debit Card Rupay of Bank of Baroda, one ATM/Debit Card Rupay of Bank of Baroda, one ATM/Debit Card Rupay of UCO

Bank and One ATM/Debit Card Rupay of UCO Bank from the possession of accused Sk. Saharukh @ Sk. Sarukh during investigation.

In the charge sheet itself, the Investigation Officer made a prayer for further investigation under Section 173(8) of the Criminal Procedure Code and if some additional evidence reveals, the Investigation Officer prayed for liberty to file supplementary charge sheet.

Vide order dated 27th September, 2019, a Co-ordinate Bench of this Court on perusal of a report filed by the Inspector General of Police, CID, West Bengal observed as hereunder:

"…I find serious economic consequences involving not only India but also different West Asian Countries."

"Let further investigation be conducted under the supervision of Inspector General of Police, CID, West Bengal with the assistance of officers not below the rank of Deputy Superintendent of Police."

It is submitted by Mr. Milon Mukherjee, learned Senior Counsel on behalf of the petitioner that the order of further investigation of the case was passed by a Co-ordinate Bench of this Court on 27th September, 2019 after filing of supplementary charge sheet on 19th June, 2019. The learned Magistrate took cognizance of offence and charge was framed against the accused persons on 9th July, 2019. On 21st September, 2019, the de facto complainant was examined in part.

It is also submitted by him that according to charge sheet, the petitioner allegedly acted as an agent of the racketeers. Out of 17 accused persons, 13 accused are on bail. Supplementary charge sheet reveals that PRAN Beverages (India) Private Limited is a subsidiary Company of Reliance Food Industries Private Limited based in Dubai and PRAN Bangladesh Company. According to the prosecution, money collected by the fraudsters were deposited to PRAN Beverages (India) Private Limited and the said money was siphoned out to Dubai via Bangladesh and Pakistan. The Director and Accounts Officer of PRAN Beverages (India) Private Limited were arrested and subsequently released on bail by this Court.

Therefore, the petitioners may be released on bail.

Mr.Neguive Ahmed, learned Public Prosecutor-in-Charge, on the other hand, submits that the instant case involves wide monetary ratification involving international racket. Kingpins of the racket are operating from Pakistan. Considering the gravity of offence a Coordinate Bench of this Court directed further investigation in this case under the supervision of the Inspector General of police, CID West Bengal by a team of CID Officers not below the rank of Deputy Superintendent of Police. He also refers to the relevant portion of the case diary wherefrom it is found that statements of some witnesses were recorded under Section 161 of the Code of Criminal Procedure and from their statement, complicity against accused Manish Gupta reveals.

It is also pointed out by the learned P.P-in-Charge that the Investigating Officer sent a letter of request for mutual legal assistance of the government of the United Arab Emirates for providing necessary information about the activities and management of Reliance Food Industries, FZE, Dubai and its relationship with PRAN Group Bangladesh and PRAN Beverages (India) Private Limited. The Investigating Officer also request to collect information as to the activities of UAE based import-export treading companies to ascertain where any consignment was sent to Pakistan from India via Dubai by the said import export treading companies. For proper investigation of the case and with a view to unearthing widespread international racket of illegal money laundering by bank transfer and Hawala, detention of the accused is absolutely necessary. Therefore, the learned P.P-in-Charge has raised vehement objection against the prayer for bail.

Having heard the learned Advocates for the petitioner and the prosecution and on careful perusal entire materials on record and case diary, I like to state that in the supplementary charge-sheet the role of Manish Gupta has been described as an agent of Aminul Haque @ Buddha induced local people and innocent persons to open bank accounts in their names and received ATM Cards issued against their accounts for withdrawal of money and sending the same to Aminul. From the submission made by learned P.P-in-Charge it is clear that the investigation of this case is new limited to unearthing the question as to the relationship between Reliance Food Industries Private Limited FZE Dubai with PRAN Group Bangladesh and PRAN Beverages (India) Private Limited. In order to get such information, foreign government action has been sought for. For the purpose of getting such report, I am of the considered view further detention of the accused is not necessary till date, the investigation does not suggest any link between accused Manish Gupta and the above named companies situated respectively in United Arab Emirates, Bangladesh and India. It is also not out of place to mention that the articles which were seized from the accused Manish Gupta was actually seized in connection with Golabari Police Station Case No.688 of 2018 in the instant case no new incriminating material has been seized from the accused. Considering such aspect of the matter and in view of long detention of the accused, I am inclined to release him on bail on stringent condition.

Accused Sk. Saharukh @ Sk. Sarukh be enlarged on bail of Rs.50,000/- with two sureties of like amount, one of whom must be a local surety to the satisfaction of the learned Additional Chief Judicial Magistrate, Contai with further condition that if on bail the accused must visit the investigating officer once in a fortnight and will be available for interrogation in future, if required. The petitioner is further directed to submit his residential address and mobile phone number to the Investigating Officer by swearing an affidavit. He is also directed to deposit his passport with the investigating officer on the first day of his visiting to the Investigating Officer.

If the accused violates any of the conditions, the order of bail shall be cancelled without further reference to this Bench.

(Bibek Chaudhuri, J)