

21.04.2023.
27.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1555 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Park Street P. S. Case No.30 of 2021 dated 15.02.2021 under Sections 120B/420/467/468/471 of the Indian Penal Code.

In the matter of : Aamir Khan

... Petitioner.

Mr. Debashis Roy,
Mr. Soubhik Mitter,
Mr. Pawan Gupta,
Mr. S. M. Burhanuddin,
Mr. Golam Mohammad,
Ms. Shabanoo Begum,
Ms. Manisha Sharma.

...for the Petitioner.

Mr. Rudradipta Nandy, ld. A.P.P.,
Ms. Sonali Das,
Mr. Ranadeb Sengupta.

...for the State.

Petitioner is in custody for seven months. He submits offences are triable by Magistrate. Co-accused viz., Suma Naskar has been enlarged on bail. Ingredients of cheating and other offences are not disclosed. He prays for bail.

Learned Additional Public Prosecutor opposes the bail prayer. He submits petitioner is the kingpin of an organised racket which floated number of illegal gaming applications and through such process diverted the money into cryptocurrency. Petitioner has also been booked under PMLA. He does not stand on the same footing with co-accused viz., Suma Naskar who has been enlarged on bail.

We have considered the materials on record. Profile of the crime involves an organised racket of running illegal gaming applications and converting fiat currency into cryptocurrency.

A large volume of fiat currency to the tune of Rs.47.96 crores was diverted through bank accounts maintained in various branches of the complainant and other banks. Thereafter, money was transferred to five accounts. Petitioner is the introducer to most of the accounts and the opening balance was also credited through his account. Thereafter, money was converted into cryptocurrency. Investigation has led to freezing a number of accounts and recovery of around Rs.32 crores. Co-accused viz., Suma Naskar appears to be a conspirator. She had aided and abetted the petitioner in the running of illegal gaming applications, misappropriation and conversion of money. But the petitioner is the mastermind and has been booked under PMLA. Co-accused viz., Suma Naskar has not been implicated under the PMLA. Further investigation is afoot and release of the petitioner from custody may hinder the said process.

In view of the aforesaid circumstances and the principal role played by the petitioner in the crime, we are of the opinion he does not stand on the same footing with Suma Naskar and we are not inclined to grant bail to him at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

We request the investigating agency to conduct the further investigation with utmost promptitude and conclude it at an early date.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)

