

17.03.2025

Item No.2

Ct.No.34

rc.

Allowed

C.R.M. (SB) 30 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 45 of the Prevention of Money Laundering Act, 2002 filed in connection with M.L.Case No. 05 of 2019 under Section 45 of the Prevention of Money Laundering Act, 2002 disclosing the facts and circumstances constituting the commission of offence under Section 3 read with Section 70 of the Prevention of the Money Laundering Act, 2002 punishable under Section 4 of the Prevention of Money Laundering Act, 2002.

And

In Re : **Siraj Mukherjee**

... Petitioner.

Mr. Sandipan Ganguly

Ms. Manaswita Mukherjee

... for the Petitioner.

Mr. Dhiraj Trivedi

Mrs. Debjani Ray

... For the ED

Heard learned counsels for the parties.

The petitioner was granted bail in connection with M.L.Case No. 05 of 2019 on July 25, 2019 on his appearance before the learned Chief Judge, City Sessions Court, Calcutta pursuant to summons issued upon him. The petitioner was either personally present before the Court on the dates fixed by the learned Court or represented under Section 317 of the Code of Criminal Procedure. The petitioner's prayer under Section 317 of the Code of Criminal Procedure was turned down by the learned Court and warrant of arrest issued against him vide an order passed on February 16, 2024. The warrant of arrest could not be

executed and warrant of proclamation and attachment was issued against him by an order passed on June 06, 2024. The petitioner approached this Court against the said order in CRR No. 2926 of 2024 and by an order dated January 15, 2025, this Court stayed the warrant of proclamation issued against the petitioner till January 24, 2025 and directed the petitioner to surrender before the learned trial Court within seven days from the date of order. The petitioner was granted liberty to file an application for bail upon surrender. The petitioner surrendered before the learned trial Court on January 22, 2025 and filed an application for bail which was turned down by the learned trial Court vide an order dated February 15, 2025. The petitioner was taken into custody and is in custody till date. The petitioner seeks bail.

Learned counsel for the opposite party opposes the prayer.

Upon consideration of the material on record, this Court is inclined to hold that since the petitioner was granted bail upon consideration of the material on record earlier and appeared before the learned trial Court either personally or through his learned counsel regularly, lapse on the part of the petitioner on certain occasions may be liberally construed.

Accordingly, the prayer for bail is allowed.

The petitioner be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties of Rs.10,000/- (Rupees Ten Thousand) each, one of whom should be local, to the satisfaction of the

learned Chief Judicial Magistrate, Calcutta subject to condition that he shall appear before the learned trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial court on any date without any justifiable cause, the learned trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail, being CRM (SB) 30 of 2025, is, thus, disposed of.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)