IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APELLATE SIDE

The Hon'ble **JUSTICE SUVRA GHOSH**

CRM (M) 167 of 2025
Prem Kumar Mahaseth
&
Jitendar Kumar Chowrashia
With
CRM (M) 47 of 2025
Shilajit Choudhury
v/s.
The State of West Bengal

For the Petitioner (in CRM (M) No. 47 of 2025):	Mr. Sandipan Ganguly Mr. Angshuman Chakraborty Mr. S.S. Saha
For the Petitioners (in CRM (M) No. 167 of 2025):	Mr. Sabyasachi Banerjee Ms. Minal Palana
For the Defacto Complainant:	Mr. Dipanjan Chatterjee Mr. Prateep Bera Mr. Anirban Dutta Mr. Kakan Das Ms. Rimpa Adhikari
For the State:	Mr. Kishore Dutta Mr. Rudradipta Nandy Ms. Rituparna De Ghose Ms. Trisha Rakshit Ms. Rajnandini Das
Hearing concluded on:-	09.09.2025
Judgment delivered on:	19.09.2025

SUVRA GHOSH, J. :-

1. Since both the bail applications pertain to the same complaint/case diary, they are proposed to be dealt with together and disposed of by a common judgment.
2. The petitioners are in custody for more than nine months and pray for bail.
3. One Sayan Chatterjee lodged complaint before Bidhannagar Cyber Crime Police Station wherein he stated that he came across an advertisement on facebook regarding share trading with huge benefit and on being interested in investing in the same, he was added to two whatsapp groups being Vip 125-BCF Investment Academy and Schonfeld Mutual Aid Community 375 by using the groups' link on April 16, 2024 and April 18, 2024 respectively. He downloaded the app ESCORTS from the app of Vip and Ssa-EE from google play store and invested total amount of Rs. 1,00,35,000/- from his three bank accounts to different bank accounts as provided by the above two platforms in their groups and whatsapp. When he tried to withdraw his money, he was asked to pay more money which raised a doubt in his mind with regard to the genuineness of the transactions. On the basis of his complaint, Bidhannagar Cyber Crime Police Station case no. 139 of 2024 was registered and charge sheet as well as supplementary charge sheet has been submitted against 16 accused persons including the petitioners.
4. Learned counsel for the petitioners has submitted that no explicit/implicit contact between the petitioners and the victims have been found in course of investigation. The bank accounts of the petitioners have been seized.

No part of the allegedly cheated amount has been recovered from the petitioners or from their accounts. There is no money trail connecting the petitioners to the alleged offence. The petitioners have not been identified in T.I parade. None of the witnesses has implicated the petitioners in their statement recorded under Section 161/164 of the Code of Criminal Procedure. Petitioners Prem Kumar Mahaseth and Jitendra Kumar Chourasia were mere office staff in the organization from where they were arrested. Petitioner Shilajit Choudhary was an employee of Yes Bank. They had no role to play in the alleged crime. No telecommunication device has been seized in course of investigation to suggest existence of any mode of transfer to foreign individuals. The case is based on documentary evidence which are in custody of the State. The seized material does not connect the petitioners to the alleged offence. Petitioners Prem Kumar Mahaseth and Jitendra Kumar Chourasia have been granted bail in two other subsequent complaints lodged against them before Bidhannagar Cyber Crime Police Station. They undertake to co-operate in investigation. They are permanent residents of the country and are not at flight risk. All the offences alleged except Section 413 of the Indian Penal Code are triable by the Learned Magistrate.

5. Only two mobile phones and an ATM card belonging to petitioner Shilajit Choudhary were seized from his possession. He was the customs relations officer of Yes Bank. He received applications to open bank accounts and processed such applications. It was within the domain of the bank manager to consider the applications. He has been shown as a conspirator in the alleged crime but material collected during

investigation does not substantiate the same. He is on bail in connection with another complaint lodged against him.

6. Vehemently opposing the prayer, learned counsel for the State has submitted that the matter relates to an international organized racket which lures people to invest huge amount of money. More than 700 bank accounts have been found to have been opened and 1530 complaints have been registered by the victims on different portals. The gang dupes people of huge amount of money by offering them jobs and opening mule accounts by using their Aadhar cards and other documents with an assurance that their salary will be deposited in the said accounts. The accused procure fake seals, fake boards of companies and defraud innocent people in connivance with bankers of different banks, open mule accounts and smuggle the money to Dubai and Srilanka by operating such accounts. Besides being involved in investment fraud, they are also involved in digital arrest fraud, electricity fraud, OTP based fraud and the like.

7. Petitioners Prem Kumar Mahaseth and Jitendra Kumar Chourasia along with other accused were arrested from the office used by them for opening bank accounts, preparing credentials for the bank accounts and other illegal work. As led and identified by the accused persons, several incriminating articles were seized from various offices used by them which connect the accused to the crime. Details of trade licence found from the seized device and documents connected with the fake user Ids suggest that they were used to procure trade licence connected with the crime. In

the event the petitioners are granted bail, they may intimidate witnesses, tamper with electronic evidence and are also at flight risk.

8. I have considered the material on record.

9. Petitioner Shilajit Choudhary was an employee of Yes Bank. It prima facie appears that he was in touch with the co-accused and the whatsapp chats between this petitioner and co-accused suggest opening of accounts and the account numbers being sent to the co-accused. In course of investigation it has transpired that this petitioner used to share confidential data of the bank with the co-accused and one witness Satyajit Sharma has stated that though he is the proprietor of Nidhir Enterprise in whose name a bank account was opened in the branch of this petitioner, the bank opening kit and bank account details were taken from him by this petitioner who operated the account for unexplained purposes. Withdrawal of an amount of Rs. 5,00,000/- approximately by this petitioner is also apparently detected. This petitioner appears to have played a vital role in the alleged offence.

10. As many as 704 bank accounts were opened in the names of different companies and 1530 complaints have been lodged in connection therewith. Job aspirants were lured with assurance of jobs in various companies which did not exist at all and trade licence and seals of such companies were manufactured.

11. With regard to petitioners Prem Kumar Mahaseth and Jitendra Kumar Chourasia, they were employees of the office where the fake rubber stamps, name plates, trade licences, connected certificates, bank account opening forms and other incriminating material/documents were seized.

The statement of one of the victims Amit Sardar recorded under Section 164 of the Code of Criminal Procedure implicates these petitioners. Several incriminating material/documents including debit cards, pan cards, rubber stamps of various companies, account opening forms, mobile phone, laptops and sim cards were seized from these petitioners' office as shown and identified by these petitioners and the co-accused. Several notarial certificates containing details of licence and tenancy agreements and also partnership deeds pertaining to various companies were seized at the instance of petitioner Jitendra Kumar Chourasia. The issue involves a huge racket dealing in opening mule accounts and portraying non-existent companies for siphoning huge amount of money. Though no electronic device appears to have been seized, material collected in course of investigation prima facie implicates the petitioners, No monetary transaction has been shown in the personal accounts of the petitioners for obvious reasons. Several mule accounts were opened for the purpose. There could not have been any direct nexus between the complainant and the petitioners since there was no scope for the complainant to identify them or find out the persons operating behind the curtain. Therefore the petitioners not being placed in/identified in T.I parade is not very relevant. Incriminating material has transpired against the petitioners in course of investigation prima facie connecting them to the alleged crime. In the event the petitioners are released on bail at this stage, possibility of their intimidating/influencing the witnesses, thereby hampering smooth trial cannot be ruled out.

12. In the light of the discussion made hereinabove, prayer for bail is rejected at this stage.
13. Accordingly, CRM (M) 167 of 2025 and CRM (M) 47 of 2025 are disposed of.
14. There shall however be no order as to costs.
15. Urgent certified website copies of this judgment, if applied for, be supplied to the parties expeditiously on compliance with the usual formalities.

(Suvra Ghosh, J)