

**IN THE HIGH COURT AT CALCUTTA  
CRIMINAL REVISIONAL JURISDICTION  
APPELLATE SIDE**

**Present:**

**The Hon'ble Justice Jay Sengupta**

**C.R.M. (R) 149 of 2025**

**Prasanna Kumar Roy**

**Vs.**

**Enforcement Directorate**

**For the petitioner** : Mr. Sabir Ahmed  
Mr. Avik Ghatak  
Mr. Saibal Kr. Dasgupta  
.....Advocates

**For the ED** : Mr. Arijit Chakraborty  
Ms. Swati Kumari Singh  
.....Advocate

**Heard lastly on** : 14.05.2026

**Judgment on** : 12.06.2026

**Jay Sengupta, J:**

**1.** This is an application for bail in connection with ML Case No. 1 of 2024 under Sections 3 and 4 of the PML Act pending before the Learned Chief Judge, City Sessions Court, Calcutta.

**2.** The petitioner, a law-abiding businessman, has been implicated in the present case, being ML Case No.1 of 2024, which stems from two separate cases being investigated by the Central Bureau of Investigation (CBI) pursuant to orders from this Court: RC0102022A0003 (dated 07.04.2022) and RC0102022A0004 (dated 18.05.2022). Both said cases involve allegations under section 7 of the Prevention of Corruption Act. The core allegation, inter alia, that the accused persons, had allegedly arranged appointments of various undeserving candidates to jobs in lieu of money. Although the petitioner was not named in the initial First Information Report being RC0102022A0003 (dated 07.04.2022), the petitioner was arrested by the CBI on 26.08.2025 and he was arraigned as an accused person in the original chargesheet no. 10 of 2022 dated 21.10.2022. The petitioner was neither named in the FIR being RC0102022A0004 (dated 18.05.2022) nor in the original charge sheet but named in the subsequent supplementary charge sheets filed in connection with the said case. The opposite party (the Enforcement Directorate or ED) initiated ECIR No. KLZO-II/18/2022 on 31.05.2022 (corresponding to the ML Case No. 1 of 2024) based on the above referred two CBI cases to allegedly confiscate the alleged proceeds of crime derived by committing the alleged predicate offences. Upon a purported investigation, a prosecution complaint was filed on 18.04.2024. It is also pertinent to mention that the ED had also registered

ECIR-II/19/2022 (corresponding to ML Case No. 9 of 2024) on 31.05.2022, linking to two other CBI cases (RC0102022A0002 and RC0102022A0005 concerning illegal teacher appointments for classes IX-XII) and filed the prosecution complaint therein on 22.01.2024. The registration of the two aforesaid separate Enforcement Case Information Reports (ECIRs) is mala fide and legally unsustainable. The money laundering constitutes a single offence, regardless of the number of underlying predicate offences, because all "proceeds of crime centralize into one money laundering transaction or process. The arbitrary division of the scams-specifically clubbing Group C and D scams in one ECIR and Classes IX-X and XI-XII teacher scams in the other-lacks legal justification. Logically, all four scams/ RC cases should be consolidated into a single money laundering case, since 8 accused persons and 12 witnesses are already common to both the cases. The Enforcement Directorate (ED), in its reply, claimed it is their discretion as to how they will approach with the investigation in connection with the instant case. However, it is a well-established principle that prosecuting an individual more than once for the same act violates the protection against double jeopardy enshrined in Article 20(2) of the Constitution of India. In the case of *TT Antony vs State of Kerala* [AIR 2001 Supreme Court 2637], the Hon'ble Supreme Court had elaborated this principle of law. The Prevention of Money Laundering Act (PMLA) criminalizes the singular act of dealing with, or projecting, "proceeds of crime" as legitimate property. The statute does not create a distinct money laundering offence for every separate predicate offence from which the proceeds originate. By maintaining two distinct,

parallel proceedings, the ED is, in effect, prosecuting the petitioner twice for a single, consolidated act of laundering the entire proceeds of crime. Furthermore, where proceeds flow from multiple predicate offences, they become inherently co-mingled within the financial system, making it "next to impossible" for the prosecution to successfully isolate which specific asset was derived from which discrete offence. The ED's refusal to consolidate is thus baseless, particularly given its own precedent in other matters (e.g., ML Case No. 16/2023 and ML Case No. 2/2024), where it has demonstrated the capacity and willingness to merge multiple predicate offences into a single PMLA case. Apart from the above, the petitioner is currently incarcerated in the instant case for a duration that is disproportionate to the period of incarceration for the more serious allegations being purportedly investigated by the CBI. As of 27.04.2026, the petitioner has been in custody in connection with the instant case since 19.02.2024, totalling to approximately 797 days (or 2 years, 2 months and 7 days). On the other hand, his detention for the predicate offences, which carries punishments for more than 7 years, was 442 days in RC0102022A0003 dated 07.04.2022 and 184 days in RC0102022A0004 dated 18.05.2022, despite the allegations being more severe. The sequence and timing of the petitioner's arrests strongly suggest a deliberate and mala fide strategy by the Directorate of Enforcement (ED) to ensure the petitioner's continued detention. The ED registered the present case on 31.05.2022. Crucially, they took no steps or to investigate the petitioner, even while he was already in Central Bureau of Investigation (CBI) custody following his arrest on

26.10.2022. It is only after the Hon'ble Supreme Court granted the petitioner bail on 10.11.2023, the ED proceeded to arrest the petitioner on 19.02.2024, in connection with ML Case No. 1 of 2024. Further demonstrating this pattern, while the petitioner's bail application in ML Case No. 1 of 2024 was pending, he was subsequently shown arrested in the present case (ML Case No. 9 of 2024) on 28.11.2024. It is clear that the ED waited for nearly two years to advance its investigation, strategically timing the arrests to ensure the petitioner suffered the longest possible period of incarceration. The two arrests by the ED only occurred after the Hon'ble Supreme Court had granted the petitioner bail in two separate CBI cases. The investigation in connection with M.L. Case No. 9 of the 2024 started late (September, 2024 onwards) and is ongoing, with summons recently issued and a search/freezing order executed, indicating no possibility of an early trial. The grounds for his arrest are challenged as baseless and delayed. The petitioner's custody is deemed unlawful, and he was denied the right to be heard at the pre-cognizance stage and accordingly, a revisional application has been filed before this Court to that effect, being numbered as CRR No. 3889 of 2025. The petitioner, a businessman, asserts that his income, including substantial cash deposits, is legitimate, derived from businesses such as car rentals and agriculture, as well as loans, with appropriate Income Tax Returns (ITRs) filed. The property attachment is also devoid of any merits since it is based on surmise and conjecture. The ED has failed to establish a solid chain of evidence to trace the proceeds of crime from its origin to its purported utilization. The value of the attached property

significantly exceeds the ED's quantified proceeds. The investigating agency has desperately tried to showcase the petitioner's income as a proceeds of crime on the basis of the statement of the petitioner's employees who failed to clarify the disputed source of income. Mere unexplained income is insufficient to sustain the prosecution's case, which lacks substantive evidence. Given that the investigation is largely complete and all the alleged proceeds of crime have been recovered and attached, the petitioner poses no risk of tampering with evidence or witnesses. The prosecution's case is precariously built upon statements recorded under Section 50 of the PMLA. Alarming, the witnesses cited, including certain accountants, are demonstrably unfamiliar with the petitioner's business dealings or do not even know him personally. Furthermore, the strategic choice by the ED to cite individuals who allegedly transferred the money as witnesses, rather than as accused, suggests a deliberate investigative bias designed to secure cooperation against the petitioner, rather than conducting an impartial investigation. The primary evidence against the petitioner in the instant case are the statements of co accused persons recorded under Section 50 of the PMLA. It is a settled legal position that such statements are inadmissible against the maker of the said statements. The arrest and continued detention of the petitioner, a well-regarded businessman, appear to be a pick-and-choose tactic. The petitioner has fully and consistently cooperated with the investigation, giving his statement to the ED on no less than 10 separate occasions. Despite this, the investigation concerning his specific role shows no discernible further progress, suggesting the ED has exhausted

its leads against him. The single most critical factor is that the trial has not commenced in either ML Case No. 1 of 2024 or the ML Case No. 9 of 2024, despite the petitioner's prolonged custody. The sheer number of witnesses cited by the ED, 23 in ML 1 of 2024 and 42 in ML 9 of 2024, strongly suggests that any trial, should it begin in the foreseeable future, will be excessively drawn out. This delay is further expanded by the fact that the investigation remains officially ongoing. The recent issuance of summons to individuals not named in the initial Prosecution Complaint signals a continually expanding scope and suggests that the investigation is a long way from conclusion. The petitioner herein is not a government official; therefore, the requirement of sanction is inapplicable to proceed with the trial against the petitioner. The petitioner is entitled to bail because the Prevention of Money Laundering Act (PMLA) proceedings are wholly dependent on the outcome of the predicate offence trial. In the predicate offence trial, only 10 witnesses have been examined, indicating that its conclusion is not imminent. Furthermore, the Hon'ble Telangana High Court in M/s Bharti Cement Corp. Pvt. Ltd. vs. Directorate of Enforcement held that the Special Court dealing with PMLA matters should stay its proceedings, awaiting the final result of the predicate offence trial. Therefore, since the predicate offence trial will not conclude in the near future, and even its eventual outcome must be kept in abeyance, the petitioner cannot be subjected to continued detention in connection with the instant case. The primary objective of the Prevention of Money Laundering Act (PMLA) is to secure the proceeds of crime, which is invariably contingent

upon the existence of a predicate offence. Given that the maximum sentence prescribed under the PMLA is seven years, and the petitioner has already been incarcerated for nearly two years, further detention is not warranted. The object of the PMLA Act was to secure the assets acquired arising out of the proceeds of crime. Now in the context of attachment of the properties which are alleged to have been derived from proceeds of crime, has already been secured. In the present matter, it is submitted that the investigating agency, the Enforcement Directorate, has acted mala fide. The registration of two separate Enforcement Case Information Reports (ECIRs) for calculating the proceeds of crime arising from the same period is not sanctioned by law. The alleged offence relates to the predicate offence, with the time of occurrence spanning from 2016 to 2022. However, for reasons best known to the agency, two distinct ECIRs have been registered. Article 20 of the Constitution of India specifically prohibits the prosecution of a person twice for the self-same offences. The cause of action in all cases remains identical. The alleged scam, as alleged by the investigating agency, concerns irregularities in the employment process for various posts, and the alleged modus operandi is uniform, with no distinction between the cases. Consequently, there cannot be a separate cause of action. The specific allegation in respect of the predicate offences involves forgery and the facilitation of employment for unqualified individuals. Therefore, the nature of the allegation and the alleged commission of the offences are one and the same and these do not constitute two different and distinctive acts or offences. Under no circumstances is the registration of two ECIRS

permissible under law. Furthermore, the conduct of the investigating agency, the Enforcement Directorate, suggests a delayed and sudden activation, specifically after the petitioner's release in the predicate offences. The petitioner was released in the predicate offences by the Hon'ble Supreme Court in both cases in November 2023. Subsequent to this, the petitioner was arrested in February 2024. This action lacks justification, especially given that the ECIR was registered in 2020. The petitioner's arrest occurred only after his release by the Hon'ble Supreme Court. Moreover, while already in custody in connection with ML Case No. 1 of 2024, he was subsequently shown as arrested in ML Case No. 9 of 2024. The registration of two independent ECIRs concerning the self-same cause of action is legally impermissible and demonstrates the mala fide intention of the investigating agency to keep the petitioner in custody unnecessarily for a period approaching two years. Both the ECIRs concerned were initiated in May 2022, contemporaneously with the initiation of the four RCs by the CBI. However, the ED did not deem it necessary to take the petitioner into custody during the period when the CBI had custody of him, subsequent to which he was enlarged on bail by the Hon'ble Supreme Court of India in November 2023. Even when the ED proceeded to take the petitioner into custody in connection with ML1 in February 2025, the very same ED, Kolkata Zonal Office, despite being cognizant of the initiation of ML9 on the same date as ML1, did not consider it necessary to take the petitioner into custody at the relevant time, specifically towards the beginning of 2024. In the course of its submission, the ED has referred to the petitioner herein as

the person who played the role of main middleman in the extensive recruitment scam. Such a submission is contrary to the observations made by this Court while rejecting the petitioner's application for bail in connection with the predicate offences and the observation of the Hon'ble Supreme Court of India while granting bail to the petitioner in connection with the said predicate offences. Without a predicate offence, there can be no offence of money committed in the first laundering in term of section of the PML Act. It was also submitted by the ED in the course of its submissions that the petitioner's primary function was to connect the network of undeserving 15 candidates and the cash generated from them with the high level officials responsible for enabling the illegal appointments within the school service commissions concerned. It is submitted in this regard that the allegations levelled by the ED and the case sought to be made out by it against the petitioner is contradictory to the case that has been made out by the investigating agency. The ED cannot be permitted to make out a case against the petitioner, the contours of which go beyond the boundaries set by the CBI, which investigated into the alleged commission of the predicate offences. It is also submitted in this regard that the acquisition of several companies had been undertaken solely in order to overcome the restrictions pertaining to land ceiling that are applicable to the act of buying substantially large plots of land. It has also been submitted that the petitioner, as an influential person, retains the capacity to tamper with evidence and influence key witnesses if enlarged on bail. The petitioner had been on bail for a period of about 3 months subsequent to him having been

enlarged by the Hon'ble Supreme Court of India in connection with 2 out of the 4 predicate offence related FIRs/criminal cases, before he was taken into custody in connection with the instant case. There have been no allegations against him. That he had tampered with any evidence and/or threatened any witness. The petitioner stands on a similar footing to that of the above named co-accused person as far as antecedents are concerned and stands on a better footing as far as the facts of the case and the stature of the said co-accused person as a government official is concerned.

**3.** Learned counsel representing the Enforcement Directorate has submitted and has relied on the written notes as follows. The accused Prasanna Kumar Roy was arrested in M.L. Case No. 01 of 2024 on 20.02.2024 where the predicated offence is registered under FIR No. RC0102022A0003 dated 07.04.2022 for illegal appointment of Assistant Teachers in Class IX & X in respect of State Level Selection Test, 2016 and FIR No. RC0102022A0004 dated 18.05.2022 for alteration of merit list in appointment of Assistant Teacher for Political Science in Class XI-XII. That accused was running his business of providing cars on a rental basis in the name of Ideal Car Rental Service and he used to have around 80-90 cars at that point of time and that his company, M/s Ideal Car Rental Service, provided car rental services on a commercial basis and had provided such services to Shri Partha Chatterjee from time to time. The accused was associated with Shri Partha Chatterjee since the year 2013 and provided cars for various purposes to him, e.g., during elections for political rallies and road shows as per the instructions of Shri Partha Chatterjee. He further

revealed that he met Shri Partha Chatterjee multiple times at his residence at Naktala as well as at his office at Behala. Furthermore, on the request of Shri Partha Chatterjee, accused sent one Shri Mantoo Jha to the house of Miss Arpita Mukherjee to do account and taxation-related work for her and her companies. All the aforementioned facts were corroborated by the accused Shri Prasanna Kumar Roy during his statement recorded on 30.11.2024 under Section 50 of PMLA, 2002. In a similar manner, he was associated with Shri Santi Prasad Sinha and other officials of WBCSSC, as he also used to provide vehicles for them. That the role of accused Shri Prasanna Kumar Roy came to light since November 2016, when the Notification of the examination of Assistant Teacher and Group-C & D posts was published by WBCSSC, as the conspiracy of this scam was hatched from the day of publication of the notification. That accused Shri Prasanna Kumar Roy had developed a network of agents and sub-agents almost in every district of West Bengal. That there are numerous candidates. So, the accused had a well-developed network of agents working for him in this scam. These agents had facilitated jobs of various undeserving candidates in exchange for monies received from them. That the main middleman involved in this scam was accused Shri Prasanna Kumar Roy, who used to collect details of the candidates along with monies whenever these agents used to visit his office in the Salt Lake area of Kolkata. Furthermore, there are numerous candidates who have been deceived by Shri Prasanna Kumar Roy and his agents by way of promising them jobs in exchange for monies; however, they never got any job, neither was their money returned to them.

As per the CBI chargesheet filed in the instant matter, it is found that manipulation in the OMR sheet/personality test score was done in respect of 937 candidates of Assistant Teacher for Class IX-X. Apart from this, 183 candidates were appointed after the expiry of the panel in Class IX-X. Similarly, it is found that manipulation in the OMR sheet/personality test score was done in respect of 907 candidates of Assistant Teacher for Class XI-XII. Further, apart from this, 39 candidates were appointed after the expiry of the panel in Class XI-XII. That it is revealed during the investigation under PMLA, 2002, that a total of 2066 (1120 for Classes IX-X appointed/recommended illegally for the post of Assistant Teachers in Classes IX to 946 for Classes XI-XII) candidates were XII by the officials of WBCSSC in criminal conspiracy with accused Shri Prasanna Kumar Roy, who had acted as the main middleman, & Ors. It also revealed during the investigation under PMLA, 2002, that a total of 4408 (1766 for Group C 2642 for Group D) candidates were placed in the final panel or in the waiting list after manipulating their marks, and 990 (381 for Group C 609 for Group D) candidates were appointed/recommended illegally for the post of Group C & Group D staff by the officials of WBCSSC after the expiry of the panel in criminal conspiracy with accused Shri Prasanna Kumar Roy. That, thus, total number of tainted candidates is 6474 and an amount of Rs. 5-25 lakhs was collected from each candidate. So, if we take, e.g., Rs. 10 lakhs as average, then the PoC associated with accused Shri Prasanna Kumar Roy comes to Rs. 10 lakhs x 6474 Rs. 647 crores. That the Hon'ble Supreme Court of India has, vide its Judgment dated 03.04.2025 in SLP

(Civil) No. 9586 of 2024 in the matter of State of West Bengal vs. Baishakhi Bhattacharyya (Chatterjee) and others, cancelled the appointments of more than 25,000 candidates as teachers and staff by SSC by terming the entire process fraudulent. The total proceeds of crime in this case run into hundreds of crores, which have been collected from these undeserving candidates. That Cash thus collected from different undeserving candidates was then handed over to Shri Prasanna Kumar Roy. In some cases, some cash was also deposited into the bank accounts of Shri Prasanna Kumar Roy and his related entities, which are more than 100 in number. The accused and his wife Smt. Kajal Soni Roy owned and controlled 102 companies/LLPs and 8 firms/entities. Crucially, 98 of these companies/LLPs were acquired in 2017 or thereafter, subsequent to the notification of the recruitment process in 2016, indicating they were acquired primarily for the purpose of routing and laundering the funds derived as proceeds of crime. That accused Shri Prasanna Kumar Roy purchased various properties from the said cash, and got the properties registered at highly undervalued prices, and the difference between the registered value in the deeds and the actual consideration amount was paid in cash to the sellers. Furthermore, even payments done from the bank accounts were also from the same bank accounts which had cash deposits in crores of rupees. In this regard, when CBI conducted a forensic audit of bank accounts of the accused, his wife and his companies, including M/s Shree Durga Dealcom Pvt. Ltd., it revealed that there were more than Rs. 72 crores of cash deposits in the bank accounts of Prasanna Kumar Roy and

his related entities/individuals were masked under false or grossly inflated income heads such as "agriculture income," "brokerage income," "service charges," and "hotel business revenue". The accounts staff of the accused confirmed that entries were made in the tally software merely to match the cash deposits after the end of the financial year and there were no supporting documents, bills, or actual business activity for these fake incomes. That the modus of the aforementioned registration of property is corroborated by an agreement signed between Shri Prasanna Kumar Roy and three brothers, namely Shri Rabindra Nath Mondal, Shri Ahindra Nath Mondal, and Shri Dhirendra Nath Mondal, which was seized by ED during the search conducted on 18.01.2024. This revealed the pattern of registration of properties by Shri Prasanna Kumar Roy in his name and in the name of his related entities/individuals. Infused cash deposits into the bank accounts of Shri Prasanna Kumar Roy and his related entities/individuals were shown as income from agricultural activities, brokerage income, service charge, etc. However, despite giving multiple opportunities, accused Shri Prasanna Kumar Roy was unable to produce any records/documents regarding the said agricultural activities, brokerage income, service charge, etc. It is pertinent to mention here that purported agricultural income shown by accused Shri Prasanna Kumar Roy was coming from the same land for which he had various land development agreements with different developers, e.g., Shri Sunil Kumar Giria and Shri Harish Rohra. That during the investigation, it was found that accused Shri Prasanna Kumar Roy entered into an unregistered Memorandum of

Understanding dated 12.04.2022 with M/s Ambud Infraprojects LLP, owned by Shri Sunil Giria, for joint venture development of land parcels at Mouza Sultanpur and received an advance of Rs. 54 lakh, even though the property titles stand in the names of companies/LLPs owned by him; Shri Sunil Giria later stated that the joint venture was cancelled with Shri Roy's consent. It was further found that Shri Roy had earlier executed a registered Joint Venture Development Agreement dated 06.03.2020 with M/s Tirath Projects Pvt. Ltd. owned by Shri Harish Rohra, for development of land parcels at Maheshtala Municipality, despite the ownership of the said land parcels being vested in companies/LLPs in whose names the properties are registered. Such fact was confirmed by Shri Harish Rohra in his statement during the investigation. That during the investigation, it is revealed that all the land parcels which were shown as producing agricultural produce are commercial in nature, and no agricultural activities were going on the said land parcels. It is a cover used by accused Shri Prasanna Kumar Roy for showing the income as untainted. That the role of the present accused is distinct and central, serving as the interface and the primary beneficiary who legitimized the illicit wealth, contrasting sharply with the roles played by the administrative officials, technical experts, and subordinate agents. That the claims of accused regarding delay and malicious prosecution are unfounded, as the investigation has been continuous and lawful. i. Continuous and Diligent Investigation, ii. Voluminous Investigation, iii. Delay in Trial. On the allegation of delay in trial, it is submitted that the delay is neither attributable to the prosecution nor upon the Ld. Special

Court. A chronology of fact/outcome before the Ld. Special Court in M.L. Case No. 01 of 2024 is provided at Letter-C enclosed herewith. Multiple ECIRs Justified: The initiation of separate ECIRS (ECIR-11/17/2022 for Group C/D staff and ECIR-II/18/2022 for Assistant Teachers) is valid because they pertain to distinct sets of predicate offences involving different categories of irregularities in recruitment, warranting independent scrutiny and investigation. It is submitted that ECIRs namely ECIR-II/17/2022 and ECIR-11/18/2022, and the corresponding ML cases, which ML Case No. 09/2024 and ML Case No. 01/2024 pertain to distinct sets of predicate offences involving different categories of irregularities in recruitment. ECIR-II/17/2022 relates to Non-Teaching posts i.e. Group C and D staff, whereas ECIR-II/18/2022 concerns the appointment of teaching staffs i.e., Assistant Teachers for Classes IX-X and XI-XII. Further, the recruitment process of Group C and Group D; and assistant Teachers were entirely different involving different set of accused persons. It is incorrect to suggest that the proceeds of crime from multiple predicate offences must necessarily be consolidated under a single ECIR or a single money laundering case. There is no straight-jacket formula to decide on merger of ECIRs and the decision is taken upon relevant investigation in the matter based on the discretion and fair logic of the investigating agency. It is wrong of the petitioner to point malice on fair investigation of the ED based on the issue of matter being dealt in different ECIRs. The law recognizes that where proceeds arise from separate and distinct criminal activities, separate investigation and prosecution may be appropriate and justified. The overlapping of accused

persons or witnesses between the cases does not in itself justify merging all predicate offences into a single case, as each offence and its related evidence must be scrutinized on its own merits. Prolonged incarceration vis-a-vis Article 21: It is submitted that Article 21 of the Constitution of India provides that "No person shall be deprived of his life or personal liberty except in accordance to procedure established by law". The provision of Section 45 of PMLA, 2002 has been upheld by the Hon'ble Larger Bench of the Hon'ble Supreme Court of India in case of Vijay Madanlal Choudhary and Others v. Union of India and Others (2022 SCC OnLine SC 929) Para 387 to 390, 398 to 400 and 403 to 406. As such, the incarceration of the present accused is 'in accordance to procedure established by law' and not in breach of Article 21 of the Constitution of India. The Hon'ble Division Bench of this Hon'ble Court in Judgment dated 15.01.2026 passed in CRM (M) 932 of 2025 [Basudeb Bagchi & Anr. v. Enforcement Directorate] has categorically held that "the liberty of an individual cannot be viewed in isolation from the collective interests of thousands of defrauded investors". In the present case, the right of the present accused under Article 21 cannot be viewed in isolation from the collective interest of thousands of defrauded public whose job as Assistant Teacher has been compromised by the accused herein. That it is submitted that the prayer for bail must be assessed against the strict provisions of Section 45 PMLA, 2002 and the judiciary's differentiated approach towards economic offences. Mandatory Twin Conditions: Section 45 of PMLA, 2002 imposes mandatory twin conditions that must be satisfied prior to granting bail. The Court must be

satisfied that there are reasonable grounds for believing that the accused is not guilty of the offence and is not likely to commit any offence while on bail. The PMLA has an overriding effect over the Code of Criminal Procedure (Cr.P.C.). Given the overwhelming evidence of involvement of the present accused, it cannot be said he has satisfied this necessary threshold. Moreover, Shri Prasanna Kumar Roy is offender of money-laundering in multiple offences referred supra and hence, the antecedent does not satisfy the later condition of the said provision of law.

II. Economic Offences as a Class Apart: The Hon'ble Supreme Court has consistently held that economic offences constitute a class apart and must be treated seriously, as they pose a grave threat to the financial health and economy of the country.

III. Risk of Tampering: The accused herein, as an influential person controlling numerous entities, retains the capacity to tamper with evidence and influence key witnesses, many of whom were his own employees, if enlarged on bail. The Letter-B enclosed herewith provides the details of key witnesses who worked under the accused in the scam. Further, the facts of the present case shows that the accused is influential in nature and connected with the higher administration of the State of West Bengal. As such, release of the accused on-bail, at this stage, shall seriously prejudice the pending trial. Section 45(2) of PMLA, 2002 provides that the conditions for granting bail under Cr.P.C. or any other law shall be in addition to the conditions provided in Section 45(1) *ibid*. In the present case, the accused herein has also failed to satisfy the tripod condition of bail under Cr.P.C.

**4.** I heard the learned counsels for the parties, perused the petitions, the affidavits, the written notes of submissions and the copies of documents placed before this Court.

**5.** The allegations as are leveled against the present petitioner are far too serious, whether it be in the case of the predicate offence or in the instant case under the PML Act. In these cases, huge sums of money were illegally procured from intending job seekers on the promise of granting Government jobs and then such money were siphoned off. Several jobs had to be cancelled. Lakhs were denied proper opportunity. The allegations are perhaps even more heinous than commission of offences by chit fund operators. In those cases, the offences are committed by private individuals having no official role in the Government. Here, the allegation is that by abusing their position as public servants, such serious offences were committed, which led to untold misery for so many. However, the present petitioner is not a public servant.

**6.** On the facts of the case, after hearing the parties this Court is not at all in a position to satisfy itself either that there are reasonable grounds for believing that the petitioner is not guilty of such offence or that he is not likely to commit any offence while on bail. Thus, the hurdle of the Section 45 of the PML Act cannot be surmounted in the present case. However, unduly long incarceration without trial may, in appropriate cases, outweigh the requirement to fulfil the rigors of Section 45 of the PML Act when tested on the anvil of Article 21 of the Constitution of India. A reference may be made to the decisions in *Senthil Balaji*, 2024 SCC Online SC 2626 and *Manish*

Sisodia, (2024) 12 SCC 660. Therefore, it has to be seen whether the present case satisfies such scrutiny.

**7.** That jail is an exception and bail is the rule is indubitably a jurisprudential mandate. It is much more than a mere statement of intent or a normative proposition. This principle has to be followed, albeit, after taking into account the facts of each case and the ratios regarding grounds for grant of bail as have been laid down by the Hon'ble Apex Court over the years.

**8.** It is true that one of the principal accused in a predicate offence case being the Minister-in-charge was granted bail by the Hon'ble Apex Court on 18.08.2025, but the same was after the accused had remained in custody for about 3 years. However, the Hon'ble Court directed that before the bail bonds could be executed, the charges would have to be framed by the trial Court with respect to the concerned appellant against whom sanction had already been granted for the offences under the Penal Code and the PC Act and for the others under the IPC alone. The material witnesses were directed to be examined within a stipulated period. Thus, bail was granted to the accused after ensuring that trial would proceed.

**9.** On the other hand, in the PMLA case, for a longtime sanction had not yet been granted by the State without which the trial apparently cannot be commenced as against the public servants. It is, however, germane to point out here that the ED has also caused some delay in praying for sanction. Moreover, no such sanction is required in respect of the present petitioner.

**10.** Therefore, the aggravating circumstances appearing against the petitioner as regards the question of grant of bail can briefly be enumerated as under:-

- a. The allegations levelled of collecting money for procuring government jobs from intending job seekers are very serious indeed and are of humongous proportion.
- b. On merits, it is quite impossible to surmount the hurdle of Section 45 of the PML Act.
- c. It is alleged that some of the co-accused were important instrumentalities of the State including a former Minister and they could influence the process.
- d. The petitioner himself was a big operator and may influence witnesses.

**11.** On the other hand, the mitigating circumstances appearing in favour of the petitioner are as under:-

- i. Although, the Enforcement Directorate could have taken the petitioner in custody immediately after commencement of investigation of the predicate offences' case, they waited for some time in taking him into custody in the PML Act case, resulting in additional period of incarceration in this case.

ii. For the offences in the CBI cases that involved greater imprisonment, the petitioner has already been granted bail after 184 and 442 days of custody. In the PML Act case for the present offences, the maximum sentence is of 7 years. The petitioner is already in custody for about 2 years and 3 months in connection with this case.

iii. The principal actor being the former Minister in question was granted bail by the Hon'ble Supreme Court in a predicate offences' case.

iv. Although the ED had come to know about the requirement of obtaining sanction in a PML Act case at least by November, 2024 when the judgement in Bibhu Prasad Acharya, (2025) 1 SCC 404 was passed, they made a prayer for obtaining sanction much later.

**12.** Considering the above, the other materials available from the investigation, the aggravating and the mitigating circumstances as mentioned above, the fact that the petitioner has been granted bail after long incarceration in the predicate offences' cases and is in custody in connection with the instant case for about 2 years and 3 months, I am inclined to grant bail to the present petitioner.

**13.** The petitioner shall be released on bail upon furnishing a bond of Rs.1,00,000/- with two sureties of like amount each, one of whom must be

local, to the satisfaction of the learned trial Court/Special Court/jurisdictional Court and on further condition that -

- (i) The petitioner shall surrender his passport with the learned Special Court at once;
- (ii) He shall not leave the territorial jurisdiction of the learned Special Court without its leave;
- (iii) He shall appear before the learned Special Court on every date of hearing fixed by the learned Court;
- (iv) He shall not tamper with evidence or intimidate witnesses in any manner whatsoever;
- (v) He shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses;
- (vi) He shall provide his address/es and mobile phone number/s before the learned Special Court and the investigating agency and shall not change the same without prior intimation to them;
- (vii) He shall meet the investigating officer once a week until further orders and cooperate with the investigation;
- (viii) He shall not be appointed to any public office during pendency of investigation and trial.

**14.** Copy of this order shall forthwith be sent to the jurisdiction Court and to the Superintendent of the concerned Correctional Home.

**15.** Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon completion of requisite formalities.

**(Jay Sengupta, J.)**