10.02.2026
Court No.35.
M/L. 163.
Kausik
(Rejected)

CRM (M) 2261 of 2025

In Re: An Application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023/Section 439 of the Code of Criminal Procedure, 1973 in connection with Barrackpore Cyber Crime Police Station Case No. 03 of 2024 dated 03.02.2024 under sections 420/406 of the Indian Penal Code.

And

In the matter of : Dhiman Bhattacharjee & Anr.

......Petitioner.

Mr. Ayan Bhattacharjee, Sr. Adv.
Mr. Sagar Saha
Mr. Manojit Debnath

......for the Petitioner.

Mr. Debasish Roy, Ld. PP
Mr. Anand Keshri
Ms. Rajnandini Das

....for the State.

Learned senior advocate appearing for the petitioner submits that the petitioner no. 1 is in custody for 1 year and 6 months and the petitioner no. 2 is in custody for 1 year and 4 months and till date the prosecution has examined 3 witnesses out of the cited 29 witnesses in the charge sheet.

Learned advocate relies upon the judgment of the Hon'ble Supreme Court in **Arvind Dham vs. Directorate of Enforcement** reported in **[2026] 1 S.C.R. 119**. Reference has been made to Paragraphs 15 and 18, which reads as follows :-

*"**15.** We have given our thoughtful consideration to the rival submissions and have carefully perused the record. The court while dealing with the prayer for grant of bail has to consider gravity of offence, which has to be ascertained in the facts and circumstances of each case. One of the circumstances to consider the gravity of offences is also the term of sentence i.e., prescribed for the offence, the accused is alleged to have committed. The court has also to take into account the object of the special Act, the gravity of offence and the attending circumstances along with period of sentence. All economic offences cannot be classified into one group as it may involve various activities and may differ from one case to another. Therefore, it is not advisable on the part of the Court to categorize all the offences into one group and deny bail on that basis. It is well settled that if the State or any prosecuting agency including, the court, concerned has no wherewithal to provide or protect the fundamental right of an accused, to have a speedy trial as enshrined under Article 21 of the Constitution, then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime. The aforesaid proposition was quoted with approval by another two-Judge Bench of this Court and it was held that long period of incarceration for around 17 months and the trial not even having commenced, the appellant in that case has been deprived of his right to speedy trial."*

*"**18.** The right to speedy trial, enshrined under Article 21 of the Constitution, is not eclipsed by the nature of the offence. Prolonged incarceration of an undertrial, without commencement or reasonable progress of trial, cannot be countenanced, as it has the effect of converting pretrial detention into form of punishment. Economic offences, by their very nature, may differ in degree and fact, and therefore*

cannot be treated as homogeneous class warranting a blanket denial of bail."

Learned advocate for the State opposes the prayer for bail and submits that the plea of parity taken by the petitioner so far as the other accused who has been released on bail in Sumit Basak case, i.e. CRM (M) 2432 of 2025 suffers from inherent suppression as an earlier Bench in the same case in respect of the co-accused observed that the case is fit for custodial trial.

I have taken into account the subject matter of the case including the accusations leveled against the present petitioners. So far as the present petitioners are concerned, namely, Dhiman Bhattacharjee and Sourav Kar were initially involved in providing mule bank accounts and subsequently transferring the commission of crime proceeds. A crypto binance account with a User Id was thereafter generated and funds were thereafter transmitted and or credited in the account of the petitioners. There are accusations that the petitioners enjoyed 1.8 % - 2 % of the commission amount so far as the total account activities are concerned. The Investigating Agency has complained of involvement of around 42 Crores and several persons about 80 in number (as submitted by the learned advocate for the State) have faced the financial inconveniences.

It has also been submitted on behalf of the State that having considered the complicity in the investigation involved, some more time is required for submitting the supplementary charge sheet.

Having regard to the gravity of the offence, I am not inclined to release the petitioners on bail.

Accordingly, CRM (M) 2261 of 2025 is **dismissed**.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)