

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2061 of 2022

Applicant :- Vijay Randhar

Opposite Party :- Directorate Of Enforcement Lko. Zonal
Office Lko.

Counsel for Applicant :- Purnendu Chakravarty

Counsel for Opposite Party :- Rohit Tripathi

Hon'ble Subhash Vidyarthi,J.

1. On 08.12.2022, after hearing the learned counsel for the applicant and the learned counsel for the respondent-Directorate of Enforcement, this Court had passed the following interim order -

"1. Notice on behalf of the Directorate of Enforcement has been accepted by Sri Rohit Tripathi, who seeks and is granted two weeks' time to file response/counter affidavit to the anticipatory bail application.

2. Accused-applicant is one of the accused in mega NHRM scam where hundreds of crores of public money, which was allocated as fund to NHRM for augmenting health and infrastructure services in the rural areas, were allegedly embezzled and misappropriated by the Government officials in active connivance and criminal conspiracy with the private persons. Accused-applicant has a pharmaceutical manufacturing company, which allegedly supplied iron and folic acid tablets at an exorbitant rates. However, the fact remains that the total proceeds of crime in the case is Rs.11,07,692/-.The accused-applicant was not arrested during the course of investigation by the Directorate of Enforcement while exercising its power under Section 19 of Prevention of Money Laundering Act, 2002 (for short ?PMLA, 2002?). After investigation, the complaint has already been filed before the competent court.

3. Sri Purnendu Chakravarty, learned counsel for the accused-applicant submits that the twin conditions as provided under Section 45 PMLA, 2002 would not be applicable in the present case inasmuch as the alleged proceeds of crime is less than Rs.30,00,000/-. Once the accused-applicant comes out of the rigour of Section 45 PMLA, 2002, then the general parameters as provided under Section 438 Cr.P.C. are to be applied while considering the anticipatory bail application.

4. Sri Rohit Tripathi, learned counsel for the Directorate of Enforcement does not dispute that the accused-applicant was not arrested during the course of investigation and the amount involved in the proceeds of crime is less than Rs.30,00,000/-.

5. In view thereof, this Court finds it appropriate to grant interim

protection to the accused-applicant till the next date of listing of this anticipatory bail application.

6. Therefore, it is provided that till the next date of listing, the accused-applicant shall not be arrested in Complaint Case No.1235 of 2021, ECIR No.13/PMLA/LZO/2012, under Sections 3 and 4 of PMLA, 2022, Police Station Directorate of Enforcement, Lucknow Zonal Office, Lucknow.

7. List this application on 22.12.2022."

2. Although counter and rejoinder affidavits have been filed, nothing has come to light which may persuade this Court to take a view, different from the view taken while passing the aforesaid order, nor the learned counsel for the respondent-Directorate of Enforcement has pointed out violation of any of the conditions of interim anticipatory bail committed by the applicant.

4. In view of the aforesaid circumstances, the interim order dated 08.12.2022 is hereby made absolute and the application is ***allowed*** in terms of the aforesaid order.

Order Date :- 17.10.2023

Pradeep/-