IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40911 of 2015

Arising Out of PS.Case No. -4 Year- 2013 Thana -GOVERNMENT OFFICIAL COMP. District- PATNA

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1. Smt. Rinku Singh wife of Sri Chandan Kumar@ Tinku Kumar Resident of Digha ,Post Office, road, PS Digha, patna-11

.... Petitioner/s

Versus

1. The Union of India through Directorate of Enforcement Govt. of India
2. U. K. Goutam, the Assistant Director, Directorate of Enforcement (Prevention of Money and Laundering Act) Ist Floor Chandpura Place Bank Road, west Gandhi Maidan Patna-1

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh, Advocate
For the Opposite Party/s : Mr. S.D.Sanjay, A.S.G.
Mr. Anshay B. Mathur, CGC

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 01-12-2015 Heard both sides.

The petitioner apprehends his arrest in Special Trial No. (PMLA) 01/15 under section 4 of the Prevention of Money Laundering Act in pursuance of ECIR No. PTZO/04 of 2013.

The learned counsel for the petitioner submits that petitioner is the wife of Chandan Kumar. The Deputy Superintendent-cum- SHO, Economic Offence Unit, Bihar, Patna lodged Economic Offence P.S. case No. 13 of 2013 for withdrawal of government money and other illegal withdrawal from different accounts on the basis of forged and scanned cheques. One Sunny Priyadarshi was apprehended and he disclosed the name of

Chandan Kumar and other accused persons. Chandan Kumar is alleged to have withdrawn different forged cheques from different branches of the Banks across India. The case was referred to Enforcement Directorate which made investigation and found that Chandan Kumar amassed properties worth rupees more than one crore and sixty lacs through illegal means. The Enforcement Directorate enquired from the petitioner, wife of Chandan Kumar. She disclosed in her statement (annexure-4) that she happens to be wife of Chandan Kumar but she does not have any knowledge about the money deposited in her bank accounts. She purchased one flat on consideration amount of Rs. 21 lacs after borrowing money from her father, sisters and Rs. 1.50 lac was arranged by her husband. Registration was also arranged by her husband. Details of properties amassed by her husband are enumerated from page 78 of the brief and the same is also enumerated in paragraph 6 of the counter affidavit.

It is submitted that the petitioner had no knowledge about the activities of her husband. She had no knowledge that her husband had ever gone to jail. She disclosed that wherever her husband asked to put signature, she put her signature. She put signature on bank accounts, cheques and the return of Income Tax. The charge sheet is submitted and custodial interrogation of the petitioner is not at all required. The petitioner fully co-operated the Enforcement Directorate officials during the course of investigation. Proviso of section 45 of the Prevention of Money Laundering Act, 2002 says that in case of a woman or a sick the special courts may release a woman or sick on bail.

On the other hand, the learned Assistant Solicitor General, Union of India, submits that the petitioner was duly enquired by the Enforcement Directorate and she knowingly tried to conceal the facts of amassing huge properties by her husband through illegal means. She disclosed that her husband purchased one flat No. 4D, Rajlaxmi Enclave, Boring Road, Patna on the consideration amount of Rs. 21, 57,000/- and she borrowed the money from her parents and sisters but the parents and sisters of the petitioner were enquired and they showed their meager income. They too have got no substantial source of income and the story of borrowing money from the parents and sisters appears to be false. It is further submitted that altogether the petitioner and her husband purchased two flats in Patna, one in NOIDA, one office space in NOIDA. The petitioner paid premium of insurance policies and transactions of more than Rs. 86 lacs were made from her account.

It appears that the petitioner had full knowledge about the illegal activities of her husband and she knowingly made all attempts to conceal properties acquired through illegal means by her husband.

Considering the fact that petitioner appears to have helped her husband in concealing the properties acquired through different illegal sources, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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