IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36794 of 2015

Arising Out of PS.Case No. -3 Year- 2015 Thana -PATNA COMPLAINT CASE District- PATNA

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Pammi Devi

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Nilesh Kumar
For the Opposite Party/s : Mr. Dr.Indiwar Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-10-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 4 of the Prevention of Money Laundering Act.

The prosecution case is that the husband of the petitioner, Makhru Singh @ Anil Singh is involved in 28 cases out of which 7 cases are of scheduled offences under The Prevention of Money Laundering Act, 2002 and the property has been acquired in crores in the name of the petitioner with the proceeds of crime committed by her husband.

It is submitted by learned counsel for the petitioner that seven cases of scheduled offences under the Act lodged against the husband of petitioner has been catalogued in paragraph no.6 of the counter affidavit filed by learned counsel appearing for Directorate of Enforcement, Patna which suggests that all the cases were lodged between 20.02.2011 to 14.12.2012 whereas out of 18 properties, 17 properties were acquired by the petitioner between 02.12.2006 to 25.06.2010 and only one property worth ₹21,87,836/- was acquired on 02.09.2013, hence, definitely except one, all properties were acquired much prior to the commission of crime or institution of case, hence such properties cannot be treated to be a property acquired with the proceed of the crime and accordingly the case does not come within the purview of Section 4 of Prevention of Money Laundering Act. The counter affidavit does not suggest that either the petitioner is involved in any crime or the petitioner failed to co-operate in the investigation. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

It is submitted by Mr. Manoj Kumar Singh, learned counsel for the Directorate of Enforcement, Patna that the husband of the petitioner is a veteran criminal and the properties have been acquired with the proceed of crime. Moreover, acquisition has not been accurately reflected in the income tax returns filed by the petitioner.

Considering the fact that ‘proceed of the crime’ has been defined in Section 2(u) of the Act as any property derived or obtained directly or indirectly by any person as a result of criminal activity relating to a scheduled offence or the value of any such property, moreover, in the present case except one, all the properties have been purchased by the petitioners much prior to the lodging of the present case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, Prevention of Money Laundering Act, Patna in connection with Special Trial No. (PMLA) 03 of 2015 arising out of Complaint Case No. 03 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bond of the petitioner will be accepted on filing affidavit by the petitioner before the learned court below to the effect that she will regularly appear before learned court below. Three consecutive defaults in appearance will give liberty to the learned court below to cancel the bail bonds of the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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