

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 590 OF 2016

Vinodkumar Krishnamurari Goenka ..Applicant

Vs.

The Directorate of Enforcement and Another ..Respondents

WITH

CRIMINAL APPLICATION NO.591 OF 2016

Asif Balwa ..Applicant

Vs.

The Directorate of Enforcement and Another ..Respondents

Mr. Parimal K. Shroff, Mr. D. V. Deokar, Mr. Sachin Pandey i/b
M/s Parimal K. Shroff and Co, for the Applicant in Cri. Appln.
No.590/16.

Mr. Abad Ponda i/b Negandhi, Shah and Himayatullah, for the
Applicant in Cri. Appln. No.591/16.

Ms. P. H. Kantharia, Special P. P., for the Respondent State-UI-
Directorate of Enforcement in both matters.

**CORAM :- B.P.COLABAWALLA, J.
(VACATION BENCH)**

DATE :- JUNE 1, 2016.

P. C.:

1. Mentioned. Not on Board. By consent of parties taken on Board and heard finally.

2. These two applications have been filed seeking to quash and set aside that part of the order dated 25th May, 2016 which orders the Applicants to surrender to the custody of the Special Court on 6th June, 2016 and directing the Applicants to exercise their statutory right to get bail on the said date.

3. It is the case of the Applicants that much prior to the passing of the order dated 25th May, 2016 they had already filed an Application for Anticipatory Bail on 5th May, 2016 before the same Court which has been adjourned to 13th June, 2016. Mr. Ponda, the learned counsel appearing for the Applicant in Criminal Application No.591 of 2016 and Mr. Shroff, the learned counsel appearing for the Applicant in Criminal Application No.590 of 2016 submitted that the order passed by the Special Court directing the Applicants to subject themselves to the custody of the Court on 6th June, 2016 is wholly perverse in view

of the fact that the very same Court is going to hear their Anticipatory Bail Applications on 13th June, 2016. If they are subjected to the custody of the Court on 6th June, 2016 their Anticipatory Bail Applications would be rendered infructuous. They would therefore submit that they be protected by suitable orders of this Court until their Anticipatory Bail Applications are heard and disposed of by the Special Court.

4. Ms. Kantharia, the learned Special P. P. vehemently opposed the aforesaid submissions. She submitted that at the highest the hearing of the Anticipatory Bail Applications could be preponed to 6th June, 2016 itself. In this view of the matter, there was no need to grant them any protection, was the submission.

5. I have heard the learned counsel at length. It is not in dispute that the case against the present Applicants arises out of P.M.L.A. Special Case No.2 of 2016, where 30 non-bailable warrants have been issued against individuals and 21 summons have been issued against certain Companies. As far as the individuals against whom non-bailable warrants have been issued, several individuals have already been granted interim protection by this Court by its order dated 13th May, 2016 and which has

been continued by the order dated 25th May, 2016.

6. In fact, I myself, following those orders in Anticipatory Bail Application No.931 of 2016, have granted interim protection to the Applicant therein till 7th June, 2016. The distinguishing feature between these cases and Anticipatory Bail Application No.931 of 2016 is that in the present case the Applicants have already preferred Anticipatory Bail Applications before the Special Court and which are pending and slated to come up on 13th June, 2016.

7. In that view of the matter, and to ensure that the Anticipatory Bail Applications preferred by the Applicants herein are not rendered infructuous, it is ordered that the Applicants herein shall not be arrested or taken into custody till 13th June, 2016. The Special Court is requested to hear the Anticipatory Bail Applications on the said date. If for any reason the Anticipatory Bail Applications of the Applicants herein are not heard on 13th June, 2016, the Special Court will be at liberty to continue this order on such terms and conditions as it deems fit.

8. Mr. Shroff and Mr. Ponda appearing on behalf of their

respective clients state that they will remain present before the Special Court on 6th June, 2016 and appraise the Court of this order. The statements are accepted.

9. The above Criminal Applications are disposed of in the aforesaid terms.

(B. P. COLABAWALLA, J.)