

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1154 of 2016

Mukul Gupta Son of Narender
Gupta

.. Applicant

Versus

The State of Maharashtra

.. Respondent

Mr.AHH Ponda with Gunita Pahwa and Arvind T. i/b Vinay J.
Bhanushali Advocate for the applicant.

Ms.Rebecca Gonsalves, APP for respondent no.1.

Ms.S.S.Kaushik, APP for the Respondent State.

WITH**ANTICIPATORY BAIL APPLICATION NO.1167 of 2016**

Ram Awadh Sharma

.. Applicant

Versus

Directorate of Enforcement
and another

.. Respondent

Mr.AHH Ponda with Gunita Pahwa and Arvind T. i/b Vinay J.
Bhanushali Advocate for the applicant.

Ms.Rebecca Gonsalves, APP for respondent no.1.

Ms.S.S.Kaushik, APP for the Respondent State.

CORAM : PN. DESHMUKH, J.

DATED : 14th JULY 2016

P.C. :

1 Learned counsel Mr.Sandeep Karnik seeks permission to address the Court in the absence of any application to intervene in the matter for the complainant. Learned Advocate to take necessary steps by filing application for intervention. However, he

is informed that whatever submission he wants to advance, can be advanced through the learned APP.

2 Heard learned counsel for the applicants who has submitted that though a complaint under the provisions of PMLA Act is filed before the learned Sessions Court on 31st March 2015, its cognizance is taken by the learned Court on 4th December 2015, and thereafter summonses are issued in the name of applicants along with other accused, who are thus apprehending their arrest in the present case.

3 It is further contended that the learned Special Court has refused interim protection to applicants those who have already filed Regular Bail Application even when such applications could not be heard for want of time, and therefore, there is strong apprehension of applicants having been arrested in the event their application for regular bail or even filed for Anticipatory Bail could not reach for hearing.

4 Learned APP had submitted that applicants have not adopted recourse of filing necessary application for pre-arrest bail or regular bail before the learned Sessions Judge, and has approached to this forum. It is further pointed out that in an application made by applicant before the learned Sessions Court on 7th July 2016, applicant has undertook to file application for Bail/Anticipatory Bail before the learned Sessions Court inspite of such undertaking without complying with the same, applicant has approached to this Court.

5 Having considering the controversy involved, as aforesaid, and having considering the fact that inspite of taking cognizance of an offence by the learned Sessions Court in the month of December 2015, since no arrest of any of accused who are informed to be 13 individuals and 30 Companies involved in the present application, is yet effected and as the applicants apprehends arrest due to rejection of interim Bail Application of one of the accused as stated in paragraph no.39 of the application. It is just and proper to direct the applicants to approach to learned Sessions Judge for relief, as prayed for.

6 However, it is made clear that in the event applicants or accused involved in the present complaints file Anticipatory Bail/Regular Bail application on serving Respondent State, and for any reason, if such application could not be heard on that day, in that event, learned Special Judge shall consider prayer for grant of interim protection to applicants.

7 In that view of the matter, application stands disposed of with directions as aforesaid.

(PN. DESHMUKH, J)