$~20

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ BAIL APPLN. 1361/2017 & Crl.M.A.No.1293/2017

ROHIT TANDON ..... Petitioner

Through: Mr.Mukul Rohatgi, Sr.Adv. & Mr.Vikram Chaudhri, Sr.Adv. with Mr.Saurabh Kirpal, Mr.Manu Sharma, Mr.Abhir Dutt, Mr.Harshit Sethi and Ms.Pragati Sharma, Advocates.

versus

DIRECTORATE OF ENFORCEMENT ..... Respondent

Through: Amit Mahajan, CGSC for UOI.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

<u>O R D E R</u>

% 10.08.2017

<u>BAIL APPLN. 1361/2017</u>

The petitioner has prayed for bail in connection with ECIR/18/DZ-II/2016/AD registered under Section 3 & 4 of Prevention of Money Laundering Act, 2002.

Simultaneously an application has been filed seeking interim bail on the ground of illness of the mother of the petitioner who has recently suffered a fracture in the neck.

Mr. Mukul Rohatgi, learned Sr. Advocate seeks permission to withdraw the regular bail application on the observation of the bench that the earlier bail application was rejected only on 5th of May, 2017. However he presses the interim bail application.

Accordingly the regular bail application is dismissed as withdrawn.

Crl.M.A.No.1293/2017(application for interim bail)

It has been submitted on behalf of the petitioner that he is the only son of his mother who has suffered a fall and has got a fracture in her neck. The sister of the petitioner is stationed abroad. The petitioner has a son who is of young age. The petitioner has also drawn the attention of this Court to the medical report which indicates that a plaster has been put on the fracture but she has been suffering from acute pain.

It has been further submitted that the charge sheet in the main case has been submitted and that the petitioner has remained in jail for more than seven months by now.

Opposing the aforesaid prayer for grant of interim bail, Mr. Mahajan, learned Sr. Standing Counsel submits that this is a case of serious fiscal impropriety of great magnitude and there is a possibility of the petitioner tampering with evidence if he comes out from the jail even for a short period. No definite reasons, however, have been assigned by Mr.Mahajan, for such a presumption that the petitioner would tamper with the evidence specially when charge sheet in the main case has already been submitted.

Mr.Rohtagi, learned senior counsel has drawn the attention of this Court to the fact that whenever the petitioner was summoned to answer to the Queries, he had visited the office of the ED and in the past, had never tried to evade the process of investigation.

Taking into account the aforesaid facts, specially the period of incarceration of the petitioner, submission of the charge sheet in the main case and the illness of the mother of the petitioner, this Court is inclined to grant interim bail to the petitioner for a period of 3 weeks.

Let the petitioner be released on interim bail for the period of 3 weeks, to be counted from the date of his release, on his furnishing a bond in the sum of Rs. 25,000/- with two sureties of the like amount to the satisfaction of special court.

However it is made clear that the petitioner shall not tamper with the evidence or commit any act which would be prejudicial to the prosecution side. Should anything of that kind be reported, this Court would consider the desirability of withdrawing/cancelling the interim bail.

The petitioner shall not, unnecessary, seek extension of the interim bail granted to him. It is also specified that the petitioner shall not leave the country under any circumstances whatsoever. Should the petitioner intend to go out of the territorial confines of NCR of Delhi, permission would be required to be taken from the Special Court. The petitioner shall also deposit his passport before the Special court while furnishing his bonds.

Application is disposed of accordingly.

Dasti.

ASHUTOSH KUMAR, J

AUGUST 10, 2017
N/Bisht