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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 562 OF 2018

Rup Chand Baid s/o Sujanmal Baid

..Applicant

Vs

The State of Maharashtra & Anr.

..Respondents

Mr. Amit Desai, Senior Advocate a/w Mr. D. Kakkad, Suraj Shukla for applicant.

Ms. J.S. Lohokare, APP for State.

Ms. Nita Punde, Special P.P for respondent No.2.

CORAM : A.S.GADKARI, J.

DATE : 26th July 2018.

P.C.:

1] This is an application under section 439 of the Code of Criminal Procedure for bail in PMLA Case No. 8 of 2017 arising out of ECIR/10/2016 pending on the file of learned Special Judge, PMLA, Greater Mumbai.

2] Heard Mr. Desai, the learned Senior Counsel appearing for the applicant and the learned Special P.P for respondent No.2 Perused the record of investigation.

3] The record indicates that, on the basis of predicate offence initially registered by the C.B.I bearing No.RCBSM2015E2007 dated 6.8.2015, the present ECIR No.10/2016 under sections 3 and 4 of Prevention of Money Laundering Act, 2002 (for short PMLA Act) has been registered by the respondent No.2 on 16.11.2016. In the present case, the applicant came to be arrested on 20.4.2017 and since then he is in custody.

4] The record indicates that, when the applicant was in judicial custody in the present case i.e. PMLA Case No. 8 of 2017, the C.B. I. sought his custody in their F.I.R. bearing No.RCBSM2015E2007 and the applicant was thereafter directed to be released on bail under Section 167 (2) of Cr. P.C. by an Order dated 7th October 2017. The respondent No.2, after completion of investigation/enquiry, submitted present complaint bearing No.8 of 2017 on 17.6.2017 before the learned Special Court.

5] The record further indicates that, after the lodgment of the present ECIR/10/2016 on 16.11.2016 till the arrest of the applicant on 20.4.2017, the Investigating Agency i.e. respondent No.2 did not seek his custody for interrogation and it is only on 20.4.2017 the applicant came to be arrested by the respondent No.2.

6] In their second remand application dated 2.5.2017 by the Investigating Agency before the Special Court, it was prayed by it that, the applicant may be remanded to judicial custody. It is to be noted here that, as of today the applicant has undergone approximately 15 months of actual imprisonment as an under trial prisoner. The maximum sentence prescribed under the PMLA Act is seven years. The investigation/enquiry of the present complaint is concluded long back on 16.6.2017. The prosecuting agency after 2.5.2017 did not seek custody of the applicant for further investigation/interrogation in the present crime till filing of the complaint on 17.6.2017.

7] As noted earlier, the applicant is in jail since 20.4.2017 and after completion of enquiry, the respondent No.2 has submitted complaint before the Court of competent jurisdiction on 17.6.2017. No fruitful purpose will be served by further keeping the applicant in incarceration.

8] In view of the above, the applicant can be released on bail.

Hence, the following Order.-

(a) The applicant shall be released on bail in PMLA Case No. 8 of 2017 arising out of ECIR/10/2016 pending on the file of learned Special Judge, PMLA, Greater Mumbai pending on the file of learned Special

Judge, PMLA, Greater Mumbai on his furnishing PR bond in the sum of Rs.1.00 lakh with one or more solvent local sureties in the like amount.

(b) After his release from jail, the applicant shall attend the Office of the respondent No.2 i.e. The Assistant Director, Directorate of Enforcement, Ballard Estate, Mumbai on every alternate Monday initially for a period of six months and thereafter on every 1st Monday of the month till conclusion of trial between 11.00 a.m and 1.00 p.m

(c) Applicant is directed to furnish cash bail for a period of six weeks and during the said period he shall furnish aforesaid sureties.

(d) The applicant shall attend all the dates before the Trial Court unless precluded for medical reasons.

(e) The applicant shall not tamper with the evidence and/or pressurize the prosecution witness.

9] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)