IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32875 of 2019

Arising Out of PS. Case No.-20 Year-2012 Thana- GOVERNMENT OFFICIAL COMP. District- Patna

==

Sushila Jaiswal @ Sheela Jaiswal, aged about 63 years, Female, W/O Sri Y.K. Jaiswal, Resident of House No. 27, Shivpuri, Professors Colony Road, P.S. Shastri Nagar, Patna-800023

... ... Petitioner

Versus

1. Union of India, Ministry Of Finance Through The Director, Enforcement Directorate, Lok Nayak Bhawan, 7th Floor, Khan Market, New Delhi 110001.
2. A.K. Choudhary, Assistant Director, Directorate of Enforcement, Govt. of India, 1st Floor, Chandpura Place, Bank Road, West, Gandhi Maidan, Patna.

... ... Opposite Parties

==

Appearance :

For the Petitioner	:	Mr. Hemant Kumar, Adv.
For the Opposite Parties	:	Mr. S.D. Sanjay, Ad. S. G.

==

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

10 16-11-2019 Heard learned counsel for the petitioner as well as learned Additional Solicitor General for Union of India assisted by learned Assistant Solicitor General of India.

Petitioner apprehends his arrest in connection with Special Trial No. (PMLA) 2 of 2017 (Ref.: ECIR No. 20/PAT/2012), registered for the offence punishable under Section 4 of the Prevention of Money Laundering Act, 2002.

Learned counsel appearing for the petitioner submits that the relevant amendment under Prevention of Corruption Act regarding schedule offences was brought in the year 2009 but the aforesaid amendment has been made applicable against the petitioner with retrospective effect which is not permissible in the aforesaid act. He, further, submits that moreover, having similar allegation co-accused Dr. Manisha, who happens to be daughter-in-law of the petitioner has already been granted privilege of anticipatory bail by co-ordinate bench of this court, vide order, dated 11.12.2018, passed in Cr. Misc. No. 60631 of 2018. Learned counsel of the petitioner further submits that on the same set of facts, two cases were registered against the petitioner and others, first case was lodged for the offence punishable under provisions of the Prevention of Corruption Act and the present case was lodged for the offence punishable under provisions of the Prevention of Money Laundering Act and in the case registered for the offence punishable under provisions of the Prevention of Corruption Act, the petitioner has already been admitted to anticipatory bail by co-ordinate bench of this court, vide order, dated 26.02.2010, passed in Cr. Misc. No. 45567 of 2009.

On the other hand, learned Additional Solicitor General appearing for Union of India assisted by learned Assistant Solicitor General vehemently opposed the bail prayer pointing out that the petitioner happens to be wife of main accused, namely, Y. K. Jaiswal and as a matter of fact, she also helped the main accused in concealing the ill gotted property and money.

Considering the aforesaid submissions of the parties as well as facts and circumstances of the case, particularly, keeping in mind that having similar allegation co-accused Dr. Manisha has already been granted privilege of anticipatory bail and furthermore, the petitioner has already been admitted to anticipatory bail in a case, registered for the offence punishable under Section 13 of Prevention of Corruption Act, 1988, let the petitioner, above named, in the event of her arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge, Patna in connection with Special Trial No. (PMLA) 2 of 2017 (Ref.: ECIR No. 20/PAT/2012), subject to conditions as laid down under Section 438(2) of the CrPC.

(Hemant Kumar Srivastava, J)

Rajeev Kumar/-

U		T	