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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 159/2018
MOHD ASLAM WANI Petitioner
Through: Mr. M.S. Khan, Adv.
Versus
ENFORCEMENT DIRECTORATE ZONE -1 DELHI Respondent
Through: Mr. Rajiv Awasthi, Adv.
CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI
ORDER
% 18.01.2019

The petitioner seeks bail. He has been incarcerated since 06.08.2017 in case ECIR NO. 04/DLZ0/2007 under sections 3/4 of the Prevention of Money Laundering Act. The allegation against him is that he had indulged in money laundering. He has been acquitted of charges of having possession of Rs.62 lacs and the charges under the Explosives Act. He was tried earlier on three counts; (i) being in possession of Rs.62 lacs; (ii) carrying explosives; and (iii) under the Arms Act. On the first two counts he was acquitted and the same has been upheld by this Court. Ex facie, it is argued that the allegation or imputation of his being in possession of Rs.62 lacs cannot be sustained or be a ground for any further investigation against the petitioner. Yet, present case seeks to extrapolate further about the manner in which the petitioner came into possession of Rs.62 lacs as well as for conviction under the Arms Act. It is stated that for the latter, the petitioner has already undergone punishment awarded to him.

Mr. Rajiv Awasthi, the learned counsel for the respondent refers to the banking transactions between the years 2003 and 2005 to contend that

some unaccounted for monies, could well have been laundered.

Be that as it may, the petitioner can neither alter the record of the banking transactions nor can he have any sway over the people maintaining the said record. Apart from the above, there is no other ground for the petitioner to be incarcerated.

Mr. Awasthi contends that should the petitioner be released he is likely to jump bail and may well evade the process of justice. He requests that stringent condition be imposed upon him especially for his reporting to the local police.

In the circumstances, the petitioner is granted bail on his furnishing a personal bond in the sum of Rs.3,00,000/- (Rupees three lacs only) with two sureties in the like amount to the satisfaction of the Trial Court concerned, subject to the following conditions:-

- (1) The petitioner shall furnish his residential address in Kashmir to the IO.
- (2) Before he leaves Delhi, the petitioner shall appear before the IO and intimate him about his mode of travel to his hometown.
- (3) He shall provide his mobile number to the IO. The said number shall not be changed and shall be kept operational at all times.
- (4) The petitioner will not leave the country without prior permission of the Court and the passport, if any, shall be deposited with the Trial Court concerned;
- (5) The petitioner shall report every Monday to the SHO/Incharge of Police Post having jurisdiction over his residential address in Kashmir.

The application is allowed in the above terms.

A copy of this order be given *dasti* to the parties under the signature of the Court Master.

NAJMI WAZIRI, J

JANUARY 18, 2019/acm