IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8474 of 2020

Arising Out of PS. Case No.-4 Year-2017 Thana- GOVERNMENT OFFICIAL COMP. District- Patna

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SHALINI RAI @ MS. SHALINI ROY D/o Amit Kumar @ Bachcha Rai Resident of Village-Kiratpur Rajaram, P.O and P.S-Bhagwanpur, District-Vaishali.

... ... Petitioner/s

Versus

Union of India through Anish Kumar Asstt. Director (PMLA), Directorate Of Enforcement, Patna 1st Floor, Chandpura Palace, Bank Road, West Gandhi Maidan, Patna-800001.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Hemant Kumar,Adv
For the Opposite Party/s : Mr.S.D. Sanjay (Add. SGI)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

6 09-12-2021 Heard the parties.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 4 of the PMLA 2002.

The main allegation is against Mr. Amit Kumar@ Bachcha Rai, the father of the petitioner, of acquisition of property by his criminal acts mentioned in the Schedule of the PMLA Act. Two Bank Accounts in the name of the petitioner was noticed by the Authorities and they have stated as follows:

“Account No.465110100023797. This account pertains to Shalini Rai @Ms. Shalini Roy D/o Amit Kumar @ Bachcha Rai. This account was opened on 23.03.2007 when she was nearly 10 years of age. This account has a balance transfer of Rs. 6,91,956/- on 18.10.2008. Since she does not have any independent source of income, it becomes apparent that the deposits have been made by her father."

"Account No.578510110002920. This account pertains to Shalini Rai @ Ms. Shalini Roy D/o Amit Kumar @ Bachcha Rai which was opened on 24.06.2014 during the period she was a student and does not have any independent source of income. Hence, the amount deposited in her account was from the income of her father-Amit Kumar @ Bachcha Rai."

From the marksheet-cum-certificate issued by the Bihar School Examination Board, Patna, date of birth of Shalini Rai @ Ms. Shalini Roy is recorded as 16.02.2000. Evidently, she was a minor on the date when both the above referred accounts were opened in her name and the account must have been opened under guardianship of some one.

The offence of Money Laundering is defined under Section 3 of the Prevention of Money Laundering Act as follows:

> ***"3. Offence of money-laundering-***
> *Whosoever directly or indirectly attempts to*

indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the (proceeds of crime including its concealment, possession, acquisition or use and projecting or claiming) it as untainted property shall be guilty of offence of money-laundering."

Since the petitioner was not of matured mind to know the reason for opening of the Bank Account in her name by the father nor she was in the capacity of being conscious of the act and consequences of her father, in my view, she deserves protection of law.

Accordingly, let the petitioner, above named, she is an unmarried girl, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Special Trial No. (PMLA) 08 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned court below.

(b) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the learned Trial Court.

(Birendra Kumar, J)

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