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**CRM 648 of 2021**

**In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with M.L. Case No. 03/2015 which arose out of ECIR No. KLZO/02/2014 under Section 4 of the Prevention of Money Laundering Act, 2002.**

**In the matter of : Gautam Kundu**

**.... Petitioner**

**Mr. Sabyasachi Banerjee,**

**Ms. Minal Palana,**

**Ms. Raya Rudra .... For the petitioner**

**Mr. Ranjan Roy ..... for the Enforcement  
Directorate**

This is an application under Section 439 of the Code of Criminal Procedure praying for bail of the petitioner.

It is submitted by Mr. Banerjee, learned advocate for the petitioner that the petitioner is in custody in connection with M.L. Case No. 03/2015 under Section 4 of Prevention of Money Laundering Act, 2002 for last six years. Punishment prescribed for committing offence under Section 4 of Prevention of Money Laundering Act, is seven years. Thus, the petitioner is in custody for most of the period for which he may suffered sentence if he is held guilty for committing offence under Section 4 of the said Act and convicted accordingly.

However, it is submitted by Mr. Banerjee that the petitioner does not pray for bail on the ground of prolonged detention in view of the fact that previously series of bail prayers were rejected by this Court.

However, Mr. Banerjee refers to an order dated 8<sup>th</sup>

April, 2015 passed in CRM No. 3216 of 2015 where the petitioner was released on interim bail for a period of two weeks on certain terms and conditions after the death of his father to perform last ritual of his father.

Subsequently, in CRM No. 2910 of 2016 a co-ordinate Bench of this Court vide an order dated 19<sup>th</sup> April, 2016 granted interim bail for two days only to enable the petitioner to perform his religious rites.

The petitioner is now renewing prayer for interim bail for a limited period of time on the ground of serious illness of his mother who has undergone a major surgery. His wife has also been arrested in connection with entire case and their eight years old daughter is staying under the care of her elder brother and a maid servant.

Thus, the petitioner has prayed for interim bail only to see his mother and their minor girl child.

Learned advocate on behalf of the Enforcement Directorate on the other hand has raised serious objection against such prayer. He submits that the mother of the petitioner has already been operated upon she has been discharged from the hospital and now she is staying at her house. It is obvious that the mother of the petitioner has some persons to look after her. The petitioner has filed the instant application only to get an order of bail on sympathetic ground after his prayer for regular bail was rejected by the learned Special Judge. It is also submitted by the learned advocate for the Enforcement Directorate that the trial of the case cannot be commenced due to dilatory tactics taken by the petitioner.

Having heard the learned advocate for the parties and on careful perusal of entire materials on record, I am of the view that the petitioner should be granted liberty to see his ailing mother and minor children of eight years for a limited period of time.

Therefore, the petitioner is enlarged on interim bail for four days and upon furnishing a bond of Rs. 50,000/- with a cash deposit of like amount and two registered sureties of Rs. 10,000/- each, of whom one shall be local, to the satisfaction of the learned Chief Judge, City Sessions Court, Calcutta on 22<sup>nd</sup> January, 2021 with the following terms and conditions:

- i) He must surrender his passport to the Enforcement Directorate;
- ii) He shall stay at the residence of her mother during the period of interim bail;
- iii) The interim bail is granted only on humanitarian ground and no right will accrue to the petitioner subsequently to pray for regular bail on the strength of this order;
- iv) The learned trial Judge will not be influenced by this order;
- v) He shall surrender himself on 26<sup>th</sup> January, 2021 at 10.30 a.m. at the concerned correctional home where he has presently lodged.

The Enforcement Directorate shall take assistance of two armed police personnel to remain as house guard at the residence of the mother of the petitioner where he will reside during the period of interim bail.

The instant application for bail is, thus, disposed of.

The parties are directed to act on the server copy of the order.

**( Bibek Chaudhuri, J. )**

