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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2502 OF 2021**

Shri Eknath Ganpatrao Khadse

....Applicant.

V/s

Union of India & Others

..... Respondents.

Mr. Shirish Gupte, Senior Advocate a/w Mr. Raja Thakare, Senior Advocate a/w Mr. Mohan Tekavde a/w Mrs Swati Tekavde a/w Mr. Pinttu Chourasia i/b ADI Legal for the Applicant.

Mr. Anil C. Singh, ASG a/w Mr. Hiten Venegaonkar a/w Mr. Aditya Thakkar a/w Mr. Shiram Shirsat a/w Mr. D.P. Singh a/w Ms. Smita Thakur a/w Mr. Pranav Thakur for the Respondent/E.D.

Mr. M.G. Patil, APP for the Respondent/State.

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 21, 2021

P.C.:-

1] This is an application by the Accused with following prayer:-

“(a) This Hon’ble Court be pleased to grant the Anticipatory Bail to the Applicant in the present case being “Crime registered with the Directorate of Enforcement at Mumbai vide impugned ECIR No ECIR/MBZO-II/10/2019 in Special Case No.1108/2021 under section 4 read with section 3 read with Section 70 of the Prevention of Money

Laundering Act, 2002, on such terms and conditions as this Hon'ble Court may deem fit and proper in the nature and circumstances of the present case;"

2] Learned Additional Solicitor General Mr. Singh would invite attention of this Court to the following orders of the Supreme Court in the case of *Satender Kumar Antil vs. Central Bureau of Investigation & Anr* passed in SLP (Crl) No. 5191 of 2021 dated 28/7/2021 and 7/10/2021 respectively so as to claim that present Application for grant of pre-arrest bail is not maintainable.

3] Relying on Constitution Bench Judgment of the Apex Court in the matter of *Sushila Aggarwal and Ors vs State and Ors* passed in SLP (Crl) No.-007281-007282, particularly para 7.1, contentions are, there is no express bar on the maintainability of the pre-arrest bail application even if the Applicant is chargesheeted.

4] It is claimed that Applicant is willing to appear before the Special Court with a prayer for grant of regular bail accompanied with the application for grant of interim bail. It is further claimed that till such period interim bail application is decided by the Special Court,

Applicant be protected from arrest. So as to substantiate the said prayer, Mr. Gupte, learned Senior Counsel and Mr. Thakare, learned Senior Counsel appearing for Applicant have invited my attention to the order of rejection of prayer for grant of regular bail of Accused No.5 who is a public servant.

5] I have considered rival submissions in the aforesaid backdrop.

6] This Court is sensitive to the fact that application for grant of pre-arrest bail of Accused No.3 who happens to be the wife of Applicant is scheduled for hearing on 7th December, 2021 in which ad-interim protection is ordered.

7] In the aforesaid backdrop, in my opinion, it will be appropriate to accept the suggestion given by learned Senior Counsel that Application shall be moved for grant of regular bail before Special Court within a period of one week from today alongwith Application for grant of interim bail. If prayer for grant of interim bail is moved, Special Court is directed to decide such application then and there, provided Respondents are served with advance copy of such

application with notice of hearing.

8] For a period of one week from today, it is directed that Special Court shall not take the Applicant in custody.

9] At this stage, it will be appropriate, in my opinion, to direct the Special Court to be sensitive to the observations made by the Apex Court in the above referred judgments as are relied upon by the learned Additional Solicitor General.

10] With the above observations, Application stands disposed of.

(NITIN W. SAMBRE, J.)