IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35607 of 2021

Arising Out of PS. Case No.-4 Year-2020 Thana- PATNA COMPLAINT CASE District- Patna

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Anita Devi, Wife Of Ramadhar Ram Resident Of Village - Birsa Nagar, Chhotabariarpur, P.S. - Chhatauni, District - East Champaran (Bihar).

... ... Petitioner/s

Versus

1. The State Of Bihar
2. The Union of india, through the Director, Directorate of Enforcement, Govt. of India, New Delhi. Bihar
3. The Deputy Director, Directorate of Enforcement, Patna Zonal office, Govtt. of India, Patna. Bihar
4. The Assistant Director, Directorate of Enforcement, Govt. of India, 1st Floor, Chandpura Place, Bank Road, West Gandhi Maidan, Patna 800001.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sarbottam Kumar Sarkar- Advocate
For the E. D.	:	Ms. Punam Kumar Singh-Advocate for E.D.
		Ms. Pushpa Sinha-1- Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

5 28-09-2022 Heard learned counsel for the petitioner and learned counsel for the Directorate of Enforcement.

The petitioner seeks bail in anticipation of her arrest in a case registered for the offences punishable under Section 45(i) of the Prevention of Money Laundering Act, 2002 for the offence registered under Section 3 punishable under Section 4 of the Prevention of Money Laundering Act, 2002.

The learned counsel for the petitioner submits that the petitioner has antecedent of one case in which the petitioner was not named and informant alleges that Ramadhar Ram through corrupt practice has acquired huge property both movable and immovable worth Rs.81,49,323.23/- in his name as well as in the name of his family members including the petitioner from 12.07.1979 to 19.06.2013, which is disproportionate to his known sources of income. Further alleges that the petitioner being a housewife and with independent source of income leads to a conclusion that Ramadhar Ram has concealed the proceeds of crime in the bank account of the petitioner and in her project including his family members.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that the husband of the petitioner during his suspension was receiving subsistence allowance, rent of Rs.5,000/- per month since 2006 and had also received his G.P.F., but the said income was not considered. It is next submitted that husband of the petitioner also has 1.78 acres of ancestral land in which trees of various kinds were planted since long from which they received approximately Rs. Two-Three Lakhs per annum from the sale of wood and fruits apart from other agricultural produce and the same was also not taken into consideration. It is next argued that as far as allegation against the petitioner is alleged, the husband of the petitioner had purchased a land for Rs.4,28,333/- in the name of the petitioner from his salary as well as other sources of income and the said land was sold to Ramesh Paswan on 31.01.2014 for an amount of Rs.4,39,000/-, as such, the land was not purchased from the proceed of bribe. It is also argued that petitioner has a business of dairy and she sells cattle and agricultural produce. Further, the petitioner also has her Stridhan and saving of her husband. The learned counsel next submits that during the course of investigation, it also transpired that the petitioner had Rs.12,85,900/- in her bank account and immovable properties to the tune of Rs.4,28,333/-. The learned counsel thus submits that the allegation appears to be vague and cryptic as it does not take into consideration that the check period was from 1979 till 2013 i.e. nearly 34 years and if 34 years is multiplied by months, it comes to 408 months. If a person has nearly 13 Lakhs rupees in his account along with some immovable property worth more than Rs.4 Lakhs, but less than Rs.5 Lakhs, can it be said or alleged that the money is a proceed of crime. It is next submitted that house wives have tendency to save money from the income of their husband and from other sources also, so if in 34 years if a person has acquired money and property worth Rs.17 Lakhs that in itself does not appear to be a sum which can be said to be disproportionate.

The learned counsel next draws the attention of the Court to Section 45 of the P. M. L. Act, 2002 to submit that even the act provides that a person, who is under the age of sixteen years or is a woman or is sick or infirm, (or is accused either on his own or along with other co-accused of money-laundering a sum of less than one crore rupees) may be released on bail, if the Special Court so directs.

The learned counsel further submits that even the act categorizes the persons who can be released on bail and their consideration of bail be different. Hence, it is submitted that petitioner being a woman and in view of the submissions aforesaid, she deserves to be enlarged on anticipatory bail.

The learned counsel appearing for the Directorate of Enforcement submits that her husband was a corrupt man, who amassed wealth through corrupt practices and then invested the same in property, business and it is the money of her husband that she had kept in the bank and from which the immovable properties was purchased, but is not able to meet and rebut the submission of the learned counsel for the petitioner that Section 45 of the P.M.L.A. Act categorizes accused where bail can be granted depending on the facts of the case and also that in 34 years the immovable properties and the amount which is said to be found in possession of the petitioner is not to an extent which can be said that a person cannot acquire such amount or immovable properties worth less than Rs.17 Lakhs in 34 years.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Complaint Case-cum-Special Trial (PMLA) No.04 of 2020 arising out of ECIR No.PTZ0 02/ 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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