IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.2053 OF 2022

Wali Mohammed .... ***Petitioner***
Mr.B. Mohapatra, Advocate

-versus-

Union of India(Enforcement Directorate) .... ***Opposite Party***
Mr.G. Agrawal, Advocate for E.D.,

CORAM:
MR. JUSTICE D.DASH

ORDER
03.11.2022

Order No.	
02.	1. The matter is taken up through hybrid arrangement (physical/virtual) mode.
	2. The record of ABLAPL No.2607 of 2022, which is a disposed of matter having no link with the present matter, be delinked from this case.
	3. The Petitioner having been implicated in connection with CMC (PMLA) No.47 of 2017 arising out of ECIR/07/2009/BBSR now pending on the Court of learned Special Judge, CBI-I, Bhubaneswar under Section-44/45 of the Prevention of Money Laundering Act, 2002 (PMLA) Act for commission of offences of 'Money Laundering' as defined in Section-3 read with section-2 and section-70 of the punishable under section-4 of PMLA Act has filed this Application under Section-438 of the Code of Criminal Procedure for grant of anticipatory bail to the Petitioner in the above mentioned case.

4. Mr. B. Mohapatra, learned Counsel for the Petitioner submits that this Petitioner has been made a scapegoat by the principal accused person and other co-accused who were actually behind the formation of the said Companies in carrying out Money Laundering activities through those Companies and many others. He submits that this Petitioner being an employee under them, his signatures having obtained on one pretext or other, those have been utilized for the purpose and he has now been unnecessarily implicated in the case. He further submits that co-accused Mohammed Arif having been arrested in the case is in custody. He further submits that this Petitioner being a permanent resident of Delhi, when is ready and willing to cooperate with the investigation and in fact has been co-operating as of now, his likely detention in connection with the case at this stage would serve no useful purpose.

5. Mr. G. Agrawal, learned Special Counsel for the Enforcement Directorate opposes the move. According to him, voluminous materials have been collected in course of investigation to show that this Petitioner verywhere at different time has submitted the applications and necessary documents for being the Director of the Companies and also in many other affairs relating to the money laundering. He also submits that the co-accused Md. Arif having been arrested in the case, his prayer for regular bail has been rejected by this Court by order dated 31.05.2022 in BLAPL No.8882 of 2021 and that having been carried to the Hon'ble Apex Court has also gone interfered. He also submits in case of grant of anticipatory bail to the Petitioner in the facts and circumstances of the case, there remains grave flight risk and misuse of liberty.

6. Considering the submissions made and further keeping in view the nature and gravity of the accusations, character of evidence appearing against the Petitioner, the stringent punishment prescribed, when at this stage it is also not possible to accept for a moment of the Petitioner had absolutely no role or has taken no part for the commission of the alleged offences as those emerge from the materials as placed, I am not inclined to accept the prayer for grant anticipatory bail to the Petitioner. According, the ABLAPL stands dismissed.

It would however be open for the Petitioner to appear before the learned Court in seisin of the case pursuant to the summon in taking further steps in seeking appropriate relief in accordance with law. In the event of such move, the same shall be considered on its own merit and disposed of in accordance with law without being influenced by this order.

7. The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

(D. Dash),
Judge.

Narayan