

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9945 of 2022

Prashanta Kumar Dash and another ***Petitioners***

*Mr. Suresh Ch. Tripathy, Sr. Advocate
along with Mr. Rajjeet Roy, Advocate
-versus-*

Union of India and another ***Opp. Parties***

*Mr. G. Agarwal,
learned Special Retainer Counsel,
Enforcement Directorate.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

12.10.2022

Order No.

- 04.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Mr. Suresh Chandra Tripathy, learned senior counsel along with Mr. Rajjeet Roy, Advocate appeared on behalf of the petitioner.
 3. Heard Mr. Suresh Chandra Tripathy, learned senior counsel for the petitioners and Mr. Gopal Agarwal, learned Special Retainer Counsel for the Enforcement Directorate. Perused the case record and materials placed before this Court for consideration.
 4. This is an application under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with complaint case (PMLA) No.04 of 2016 for commission of offence under Section 3 of PMLA, 2002 which is punishable under Section 4 of the PMLA, 2002.
 5. At the outset, Mr. Tripathy, learned senior counsel appearing

on behalf of the petitioners submits that the petitioners were not arrested during the investigation of the case. He further submits that after conclusion of the investigation, final charge-sheet has been submitted in the case and the case is ready for trial. It is further contented by Mr. Tripathy, learned counsel for the petitioners that the petitioners are cooperating with the trial and appearing before the trial court through their counsel and they are also interested in an early conclusion of the trial. In such view of the matter, he further submits that the petitioners may be protected by this Court by extending the benefits under Section 438, Cr.P.C.

6. Mr. Agarwal, learned Special Retainer Counsel for the Enforcement Directorate, on the other hand, submits that the custodial interrogation of the petitioners is not necessary and the charge-sheet has already been submitted in this case. However, Mr. Agarwal, learned Special Retainer Counsel submits that the petitioners are not cooperating with the trial and they are taking repeated adjournments in trial court.

7. In reply to the aforesaid submission of Mr. Agarwal, Mr. Tripathy undertakes to ensure the appearance of the petitioners before the learned trial court through their counsel or in persons as would be required by the trial court without fail.

8. Considering submissions made by the respective parties, this Court is of the considered view that there is no apprehension of arrest of the petitioners at the moment and there is no likelihood of petitioners being taken into custody at this juncture.

9. In such view of the matter, the anticipatory bail application stands disposed subject to the above recorded statements and undertakings given by the learned counsels appearing for the

respective parties.

10. It is further directed that the bail granted to the petitioners is subject to the condition that the petitioners shall cooperate for an early conclusion of the trial. In the event it is found that the petitioners are not cooperating with the trial, this order shall automatically stand revoked and it will be open for the trial court to take recourse to any coercive measure as per the law to ensure the attendance of the petitioners in trial court.

11. With the above noted observations/directions the present bail application stands disposed of.

Urgent certified copy of this order be granted on proper application.

A free copy of this order be handed over to learned Special Retainer Counsel for the Enforcement Directorate for communication and compliance.

(*A.K. Mohapatra*)
Judge