

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.13904 OF 2021

Bhuneswar Prasad Verma ***Petitioner***
Mr. H.K. Mund, Sr.Advocate
-versus-
Enforcement Directorate, Govt. of India ***Opposite Party***
Mr. G.K. Agarwal, Advocate.

CORAM:
MR. JUSTICE D.DASH

ORDER
25.11.2022

Order No.

04. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. The Petitioner apprehending his arrest and likely detention in connection with PMLA Case No.39 of 2017 on the file of learned Special Judge (PMLA Act), Bhubaneswar has filed this application under Section-438 of the Cr.P.C. seeking his release on bail in the above event.
3. Heard Mr. H.K. Mund, learned Counsel for the Petitioner and G.G. Agarwal, learned Counsel for the Enforcement Directorate (ED).
4. Keeping in view the submissions made, I have gone through the averments taken in the application filed by the Petitioner as also the documents annexed thereto.
5. The objection affidavit with the annexed documents have also been perused.
6. The Petitioner while working as the Executive Director of Rourkela Steel Plant (RSP), an F.I.R. came to be registered by the

CBI, bearing RC No.14(A)/2017-BBS (RC0152017A0014) under Section-13(2) read with Section-13(1)(e) of the Prevention of Corruption Act, 1988 (in short 'P.C. Act') and Section-120-B of the IPC.

The CBI on completion investigation has submitted charge-sheet on 30.09.2019 placing the Petitioner to trial for commission of offence under section-13(2) read with section-13(1)(e) of the P.C. Act in saying that during the check period, the Petitioner has amassed huge wealth and assets, disproportionate to his known sources of income standing at 139.97 per cent in excess.

7. On the base of the above, the Enforcement Directorate also simultaneously took up investigation in that connection to find out the commission of offence under the provision of Prevention of Money Laundering Act, 2002 (in short 'PMLA ACT') by registering an information report vide (ECIR) No.ECIR/07/BBSZO/04/2017 at Sub-Zonal Office of Enforcement Directorate, Bhubaneswar. It is stated that the Petitioner was having direct and indirect involvement in accumulating the assets in his name as well as in the name of others in diverting his ill-gotten money. Thus it is stated that in course of his service in providing the illegal benefits and unlawful gain to the persons through whom he had illegally raised the funds and thereafter, by transacting and utilizing the said funds, he has acquired the properties.

The Complaint having been filed on 06.09.2021, the Special Court has taken cognizance of the offence under Section-3 of the of the PMLA Act punishable under section-4 of the said Act. It is said that the properties described therein have been acquired during the check period and projected as untainted had been acquired out of the proceeds of the committed crime under section-13 of the P.C. Act

which is within the schedule in the PMLA Act and thus there has been commission of offence under section-3 of the PMLA Act. It is said that a case stands against the Petitioner that he is involved in acquisition of the properties in dealing with the proceeds of the crime and then projecting the same to be untainted and claiming as such.

8. Taking into account the submissions made and for the aforesaid as those emanate from the materials placed; further keeping in view the provisions as to presumption as contained in section-24 and the statutory bar placed under section-45 of the PMLA Act as well as the pronouncement of the Hon'ble Apex Court in case of *Vijay Madanlal Choudhary & Others Vrs. Union of India & Others*; in SLP (Civil) No.28394 of 2021 and batch; while being not inclined to accept the prayer for grant of anticipatory bail; this Application stands disposed of with the observation that when the Petitioner upon his appearance before the Special Court in seisin of the case would move for grant of regular bail, the same shall be considered on its own merit; further taking into account all such developments in the case by then in their proper perspectives and disposed of early in accordance with law without being influenced or prejudiced in any manner by this order.

9. The ABLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**