IN THE HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.196 OF 2024

(Tanishk s/o Sanjog Nigam Vs. Directorate of Enforcement)

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's order	Court's or Judge's Order

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Mr. M.R. Perke, Advocate for the applicant.
Mr. N.B. Jawade, Special Public Prosecutor.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- OCTOBER 4, 2024

Apprehending the arrest at the hands of Enforcement Director, the present application is filed by the applicant for grant of pre-arrest bail.

2. As per the contention of the applicant, he received a summons dated 05/02/2024 bearing No.PMLA/SUMMON/HIU2/2024/2506 under F. No. ECIR/10/HIU/2021 via courier at his permanent residential address whereby the applicant was directed to remain present at the office of the Directorate of Enforcement on 09/02/2024. Subsequent summons he has received on 26/07/2024. It is contended that applicant vide his Counsel rendered a reply on 06/02/2024 and shown his difficulty to appear before the authority as he was appearing for the examination. Thereafter on 06/03/2024 via e-mail the another summons was issued to the present applicant but due to the death of his father he could not attend and thereafter he has not received any summons. Thereafter the

applicant has received the summons on 26/07/2024 and only three days time was granted to him, and therefore, he could not attend the office of Directorate of Enforcement. The officers of Directorate of Enforcement are behind him and there is apprehension of arrest as one FIR is registered under Section 420 of the Indian Penal Code alleging that online financial fraud is committed and various persons were duped by using the said link, and therefore, the applicant was called by issuing the summons. At this stage, no crime is registered against the present applicant. He submitted that as far as the custodial interrogation is concerned which is not required. In view of that, he be protected by granting ad-interim protection.

3. Learned Special Public Prosecutor strongly opposed the application and submitted that the application is devoid of merits and liable to be rejected on the ground that though repeatedly he was called for the examination purpose, he has not attended the police station. Moreover, various FIRs were registered by Delhi police based on the complaints received from various individuals alleging that they had found links, webs on social media i.e. Facebook, WhatsApp and Google wherein they can purchase Covid-19 treatment drugs and injections online by making online payment through UPI and Net Banking. However, on making payments to the said websites or to the concerned UPI number no

medicines or injections were delivered to patients who were critically ill due to Covid-19.

4. Since Section 420 of the IPC invoke in the said FIR is a Scheduled offence as defined under Section 2(1)(y) of the Prevention of Money Laundering Act, 2002 (PMLA, 2002) and ECIR/10/HIU/2021 dated 09/06/2021 was recorded by Directorate and investigation has been initiated by this Directorate and therefore, summons is issued to the present applicant but he has not attended the office. It is further submitted by him that for the offence of money laundering as defined under Section 3 which is punishable under Section 4 of PMLA, 2002 and during the investigation under PMLA, 2002 it reveals that various individuals were duping innocent public by asking them to pay money in their accounts through online mode in the lieu of providing some lifesaving injections used for the treatment of Covid-19 patients. Once the money got transferred, the scammers stopped responding to the aggrieved parties. It further revealed from the statements of individuals to whom payment were made, that they received phone calls, messages on Facebook from anonymous persons seeking to provide their bank account details, ATM cards etc. in exchange for some amount. It further revealed that said bank accounts were utilized to transfer and receive the proceeds of crime and subsequently, the same was withdrawn in the form of cash.

5. I have heard learned Counsel for the applicant and learned Special Public Prosecutor for the respondent, it reveals that at this stage, no crime is registered but considering the reply filed by the learned Special P.P. it reveals that various FIRs were registered by Delhi police based on the complaints received from various individuals and which shows that the innocent public were duped by obtaining the money on promising to provide the injections for the Covid-19 patients. Thus, considering the allegation made or the investigation which was carried out, at this stage, this is not the case wherein the discretion can be used in favour of the present applicant.

6. In view of that, the application deserves to be rejected.

7. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*