

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

The Hon'ble **JUSTICE SUVRA GHOSH**

CRM (R) 54 of 2025

Subodh Kumar Goel @ Sk Goel

v/s.

Enforcement Directorate

For the Petitioner:

Mr. Sabyasachi Banerjee,
Mr. Ayan Bhattacharya
Mr. Gautam Khazanchi
Mr. Samrath Krishan Luthera
Mr. Zohaib Rauf

For the Enforcement Directorate:

Mr. Dhiraj Trivedi
Mr. Arijit Charabarti
Mr. Debsoumya Basak
Ms. Swati Kumar Singh
Ms. Swapna Jha

Judgment delivered on:

22-08-2025

SUVRA GHOSH, J. :-

1. The petitioner was arrested from his residence in New Delhi on May 16, 2025 and was brought to Kolkata on transit remand. He was produced before the learned Chief Judge, City Sessions Court, Calcutta on May 17, 2025 and was remanded to E.D. custody till May 21, 2025. The petitioner seeks bail on medical grounds.
2. Learned counsel for the petitioner has submitted that the petitioner is "sick and infirm" in terms of the proviso to Section 45(1) of the Prevention of Money Laundering Act, 2002 (hereinafter referred to as the Act of 2002) and is entitled to exemption from satisfying the twin conditions of bail laid

down under Section 45 of the Act. In 2018, the petitioner was diagnosed with Spinocerebellar Ataxia type 12 which is a rare genetic neuro-degenerative disorder which is incurable and his condition has progressively worsened. He is wheel chair bound and requires continuous and prolonged medical care. Pursuant to a direction of this Court, he was examined by a medical board comprising five senior doctors of IMGMER and SSKM Centre of Excellence, Bangur Institute of Neuro Sciences, Department of Health & Family Welfare, Government of West Bengal on August 5, 2025. The medical board has submitted a detailed report regarding the health condition of the petitioner. The petitioner undertakes to surrender his passport before the Court, if so directed, attend Court proceedings through audio-video means permitted under Section 530 of the BNSS and through his learned counsel and not to tamper with evidence or influence witnesses if released on bail. The petitioner has sought to stay at his residence in New Delhi with his family who can render the best care and support to him.

3. Learned counsel has placed reliance on the authorities in *Devki Nandan Garg v. Enforcement Directorate* reported in (2022) 6 HCC (Del) 67, *Kewal Krishan Kumar v. Directorate of Enforcement* reported in 2023 SCC OnLine Del 1547, *Naresh Goyal v. Enforcement Directorate* reported in 2024 SCC OnLine Bom 1259, *Ramesh Chandra v. ED* reported in 2025 SCC OnLine Del 1706, *Kalvakuntla Kavitha v. Enforcement Directorate* reported in 2024 SCC OnLine SC 2269, *Shashi Bala @ Shashi Bala Singh v. Directorate Enforcement* order dt. 15.01.2025 in SLP (Crl.) No. 212/2025, *Arvind Kejriwal v. Directorate of Enforcement* reported in

(2025) 2 SCC 248, Anil Kumar Aggarwal v. Enforcement Directorate reported in 2024 SCC OnLine J&K 337, Directorate of Enforcement v. Anil Kumar Aggarwal order dt. 03.10.2024 in SLP (Crl.) No. 12175/2024, State of Punjab v. Davinder Pal Singh Bhullar reported in (2011) 14 SCC 770, Satyendar Kumar Jain vs Directorate of Enforcement order dt. 25.05.2023 in SLP (Crl.) No. 6561/2023 and Sunder Singh Bhati v. State reported in 2022 SCC OnLine Del 134 in support of his contention.

4. Opposing the prayer, learned counsel for the Enforcement Directorate (for short E.D.) has submitted that the petitioner is being given the best possible care and treatment in custody as per his own choice. Since he is not suffering from any life threatening disease and his illness does not have a cure, he is not entitled to bail on medical ground. He is accused of offence under Section 3/4 of the Act of 2002 and hearing at the pre-cognizance stage is fixed before the learned Special Court on August 22, 2025. There is reasonable apprehension that grant of bail to the petitioner shall seriously prejudice the entire trial. Even if the petitioner is entitled to waiver of the rigours of Section 45(1) of the Act of 2002 on account of his sickness or infirmity, he is required to satisfy the triple test of bail applicable under Section 45(2) of the Act. The petitioner is well placed in society and is an influential person. Chances of his influencing witnesses and tamper with evidence, if released on bail, cannot be ruled out.
5. Learned counsel has referred to the authorities in Sameer Mahandru vs. Directorate of Enforcement reported in 2023 SCC OnLine Del 6680, Sameer Mahandru vs. Directorate of Enforcement in SLP (Crl.) No. 14634 of 2023, Pawan alias Tamatar vs. Ram Prakash Pandey & Anr. reported in

(2002) 9 SCC 166, Akhtar Parwez vs. State of West Bengal reported in 2022 SCC OnLine Cal 471, Amar Sadharam Mulchandani vs. Directorate of Enforcement in Bail Appl. No. 184 of 2024, Amar Sadharam Mulchandani vs. Directorate of Enforcement & Anr. in SLP (Crl.) No. 4246 of 2024, State of Uttar Pradesh vs. Gayatri Parsad Prajapati (2022) 15 SCC 515, Sanjay Jain (in Judicial Custody) vs. Enforcement Directorate reported in 2023 SCC OnLine Del 3519, In Re: Jyoti Priya Mallick CRM (SB) 80 of 2024 and The Assistant Director vs. The State & Ors. in CRL.O.P. No. 28289 of 2023 in support of his contention.

6. I have considered the rival contention of the parties and material on record.
7. At the outset, it shall useful to reproduce Section 45(1) of the Act of 2002.
 “Offences to be cognizable and non-bailable. - (1) [Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), no person accused of an offence [under this Act] shall be released on bail or on his own bond unless-]
 - i. the Public Prosecutor has been given an opportunity to oppose the application for such release; and
 - ii. where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail:

Provided 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:”

8. In other words, a person who is sick or infirm is exempted from satisfying the rigours of Section 45(1) of the Act. The authorities in Devkinandan Garg (supra), Ramesh Chandra (supra), Kewal Krishan Kumar (supra) and Sashibala (supra) demonstrate such exception. There is no quarrel with the said proposition of law.
9. True, all kinds of sickness or infirmity are not entitled to exemption under the proviso to Section 45(1) of the Act. The seriousness and magnitude of such sickness and infirmity need to be ascertained. It is only when the jail authorities are unable to provide the required medical care and treatment to the accused that the accused may be released on bail on medical grounds.
10. In the case in hand, pursuant to a direction of this Court given on July 30, 2025 a medical board comprising faculty members of IPGMER-SSKM hospitals visited Apollo Multispecialty Hospital on August 5, 2025 and examined the petitioner. The board members, upon examination and review of all available investigation, opined as hereunder :-
 1. “Mr. Goel has been suffering from progressive neurological disease called Spinocerebellar Ataxia (SCA 12) with Ataxia, parkinsonism and cognitive impairment for which he has severe physical and cognitive disabilities.
 2. He now requires assistance for his ambulation and all basic activities.

3. As neurodegenerative disease progressively worsens and does not have a cure he would continue to remain disabled.

4. Additionally he also has diabetes mellitus, hypertension and recurrent syncope, which require continuous medical management.”

11. The report demonstrates in no uncertain terms that the petitioner is extremely sick and infirm and requires continuous assistance for all basic activities besides continuous and prolonged medical care. Such care and assistance, in my considered view, is not possible while he is in custody. Moreover, it has been rightly observed in the authority in Naresh Goyal that there is a qualitative difference between the treatment which a person gets as an under trial prisoner and as a citizen under no restraint.

12. Section 45(2) of the Act of 2002 envisages that the limitation of granting bail specified in sub-section (1) is in addition to the limitations under the Code of Criminal Procedure or any other law for the time being in force on granting of bail. Since the limitation satisfied in sub-section (1) is not applicable to a person governed by the proviso to the said provision, the limitations in addition thereto are also not applicable to such person.

13. The authorities relied upon by the E.D. deal with the situation wherein the accused is not suffering from any life threatening condition or sickness or infirmity for which treatment cannot be provided in jail. In some of the cases there was no averment that the accused still required medical treatment. No aggravation of the ailment of the accused was also found.

14. The fact situation in the present case can be distinguished from that of the said reports. It is crystal clear that the petitioner is suffering from serious complications which are difficult to address in jail. He is entitled to the benefit of the proviso to Section 45(1) of the Act of 2002. Without going into the merits of the case, the petitioner may be released on interim bail solely on the medical and humanitarian ground.

15. Accordingly, the petitioner namely Subodh Kumar Goel @ S.K. Goel be released on interim bail upon furnishing bond of Rs. 10,000/- (Rs. Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Calcutta, subject to the following conditions:-

- i. He shall remain within the jurisdiction of the learned trial Court and shall provide the address where he shall presently reside before the learned trial Court, the investigating officer and the officer-in-charge of the police station under whose jurisdiction he shall henceforth reside.
- ii. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever.
- iii. He shall appear before the learned trial Court physically if his health permits, and/or shall appear virtually/through his learned counsel on every date of hearing fixed before the learned trial Court.

- iv. He shall provide his mobile phone number to the E.D. and shall not change the same without prior intimation to the authority.

16. In the event the petitioner fails to adhere to any of the condition stated above, the learned trial Court shall be at liberty to cancel his bail in accordance with law with further reference to this Court.
17. The interim bail shall continue till 15th November, 2025.
18. Let the matter appear under the heading "To be Mentioned" on 7th November, 2025. Status report be submitted by both the parties on the adjourned date.
19. All parties shall act on the server copy of this judgment duly downloaded from the official website of this Court.
20. Urgent certified website copies of this judgment, if applied for, be supplied to the parties expeditiously on compliance with the usual formalities.

(Suvra Ghosh, J)