

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2350 OF 2024

Dheeraj Wadhawan .. Applicant
Versus
Directorate of Enforcement and Anr. .. Respondents

WITH
BAIL APPLICATION NO.2347 OF 2024

Kapil Wadhawan .. Applicant
Versus
Directorate of Enforcement and Anr. .. Respondents

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- Mr. Raghav Dharmadhikari, Advocate i/by M/s. Rashmikant and Partners for Applicants in both Bail Applications.
 - Mr. H. J. Dedhia, APP for Respondent No.1 – State.
 - Mr. Aayush Kedia a/w. Ms. Diksha Ramnani, Advocates i/by Mr. H.S. Venegavkar for Respondent No.2 – ED.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 04, 2025

P.C.:

- 1.** Mentioned out of turn at the time of rising of the Court.
- 2.** Heard Mr. Dharmadhikari, learned Advocate for Applicants in both the Bail Applications; Mr. Dedhia, learned Advocate for Respondent No.1 – State and Mr. Kedia, learned Advocate for Respondent No.2 – ED.
- 3.** These Applications are under Section 436-A read with Sections 439 and 482 of Code of Criminal Procedure, 1973 (for short

‘Cr.P.C.’) seeking Bail in connection with ECIR/MBZO-I/03/2020 dated 07.03.2020 registered with Central Bureau of Investigation, EO-I, New Delhi for offences punishable under Section 120-B read with Section 420 of the Indian Penal Code, 1860 (for short ‘IPC’) and Sections 7, 12 and 13(2) of the Prevention of Corruption Act, 1988.

4. Applicants in the present case are incarcerated for more than four years when the punishment of imprisonment in schedule offences is seven years. Applicants undoubtedly therefore would be entitled to default bail on the above facts.

5. However Mr. Kedia would submit that delay for non-commencement of trial is entirely on account of Applicants’ conduct and therefore would submit that it would be case of prosecution that Applicants would not be entitled for default bail.

6. Mr. Dharmadhikari informs the Court that trial in the schedule offences has already been stayed and in that view of the matter he would persuade me to consider the case.

7. In that is the case, appropriate instructions shall be taken by the prosecution and submissions shall be made when case of parties shall be considered and these Applications shall be appropriately decided.

8. Stand over to **12th February, 2025**. To be listed under the caption '**First on Board**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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