

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 5350 OF 2024

Ramchand Kotumal Issrani

.. Applicant

Versus

Directorate of Enforcement & Anr.

.. Respondents

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- Mr. Aabad Ponda a/w Mr. Sandeep Karnik & Mr. Vishwajeet Nimbalkar i/by Mr. Nitin Kamble for Applicant
- Mr. Hiten Venegaonkar a/w Mr. Leepika Basant for Respondent No. 1
- Mr. Balraj B. Kulkarni, APP for Respondent No. 2 - State

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 3, 2025

P. C.:

1. Heard Mr. Ponda, learned Senior Advocate for Applicant; Mr. Venegaonkar, learned Advocate for Respondent No. 1 and Mr. Kulkarni, learned APP for State.

2. Applicant - accused has filed the present Application for regular bail under Section 483 of Bhartiya Nagarik Suraksha Sanhita (for short "**BNSS**") [Section 439 of the Code of Criminal Procedure, 1973 (for short, "**Cr.P.C.**")] in PMLA Special Case No. 1545 of 2023 pending before Ld. Special Court, PMLA, Mumbai arising out of ECIR bearing ECIR/28/HIU/2021 dated 07.12.2021 for the offences punishable under Sections 3 and 4 of the Prevention of Money Laundering Act, 2002 (for short "**PMLA**")

3. Respondent No. 1 has filed ECIR bearing ECIR/28/HIU/2021 under Sections 3 and 4 of the PMLA which is registered on 07.12.2021. Admittedly record indicates that the predicate offence filed by CBI for the offences punishable under Sections 420, 406 read with 120-B of IPC along with Sections 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 is stayed by the Gujarat High Court vide order dated 06.03.2024 which is appended at page Nos. 319-320 of the Application. It is at a standstill thereafter

4. Applicant has been in incarceration from 08.08.2023 and as of today he has undergone a period of detention for 1 year, 6 months and 23 days. One of the submissions on behalf of the Applicant advanced by Mr. Ponda is that considering his long incarceration and no uncertainty of the trial being proceeding in view of the aforementioned order dated 06.03.2024 notwithstanding the fact that co-accused in the present case has been granted bail and most importantly the medical condition of the Applicant having been certified to be precarious by the Medical Board of Sir J.J. Group of Hospitals vide report dated 20.01.2025 placed on record, Applicant be released on bail.

5. Without entering into the merits of the matter, Mr. Venegaonkar, learned Advocate appearing on behalf of Respondent No. 1 in his usual fairness after taking instructions would submit that the

stay to the predicate offence is by order dated 06.03.2024 of the Gujarat High Court and thereafter there is no movement in the matter which is *prima facie* correct. He has persuaded the Court to therefore consider the submissions made by the Applicant without venturing into the merits of the matter.

6. I have perused the Application and record of the case.

7. *Prima facie* it is seen that Applicant is a 65 year old senior citizen and admittedly suffering from serious medical ailments which have been confirmed by the Medical Board of Sir JJ Group of Hospitals as recently as on 20.01.2025 after due examination. Said report is placed on record and briefly stated Applicant is a known case of hypertension, ischemic heart disease, prostatomegaly and right inguinal hernia having an enlarged prostate admeasuring 5.36 x 5.16 x 4.74 cm. That apart Applicant is having hearing loss measuring to 50% in one ear and 10% in the other ear and has also been prescribed regular OPD for urinary complaints, elective surgery for his inguinal hernia and substantial oral medicines for his other medical issues which are stated in the report dated 20.01.2025.

8. In view of the above and while adhering to the decision of the Supreme Court in the case of ***Udhaw Singh v. Enforcement Directorate***¹ solely on the ground of incarceration of the Applicant in

1 Criminal Appeal No. 799 of 2025 decided on 17.02.2025

the present case which is of 1 year 6 months & 23 days, Applicant is directed to be released on bail in terms of prayer clause (a) subject to the following terms and conditions:-

- (i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- with one or two sureties in the like amount;
- (ii) Applicant is permitted to furnish provisional cash bail of Rs. 50,000/- for his release immediately and file undertaking that he will provide one or two sureties in the like amount of Rs. 50,000/- within a period of four weeks after his release which shall be accepted by the Investigating Officer. The Applicant shall provide the sureties as directed;
- (iii) Applicant shall report to the Investigating Officer of concerned Police Station on the third Saturday between 10:00 a.m. to 12:00 p.m. for the first three months and thereafter as and when called;
- (iv) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates unless specifically exempted and will not take any unnecessary

adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;

- (v) Applicant shall not leave the States of Maharashtra and Gujarat without prior permission of the Trial Court. He shall deposit his passport, if any, within two weeks after being released on bail with the Trial Court;
- (vi) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner;
- (vii) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time;
- (viii) Any infraction of the above conditions shall entail cancellation of this order.

9. It is clarified that the observations in this order are limited for the purpose of granting Bail only and I have not made any observations on the merits of the case.

10. Bail Application stands allowed and disposed.

[MILIND N. JADHAV, J.]

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