

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 637 OF 2025

Iqbal Ibrahim Kaskar

.. Applicant

Versus

Union of India

.. Respondent

.....

- Mr. Tabish Mooman a/w Varun Shivhare & Varsha G., Advocates for Applicant.
- Ms. Manisha Jagtap a/w Kamar Ali Shaikh for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 02, 2025

P.C.:

- 1.** Heard Mr. Mooman, learned Advocate for Applicant and Ms. Jagtap, learned Advocate for Respondent.
- 2.** On 29th April 2025, after hearing Mr. Mooman, the following order was passed:-

“1. Heard Mr. Mooman, learned Advocate for Applicant and Ms. Jagtap, learned Special PP for Respondent – Union of India.

2. Applicant is incarcerated in prison for the past more than 3 years in the offence under the Prevention of Money Laundering Act, 2002 (for short ‘PMLA Act’).

3. Mr. Mooman, learned Advocate for Applicant would draw my attention to the fact that in so far as the predicate offence is concerned which was registered under C.R.No.I-190 of 2017, Applicant before the Court has been acquitted in that offence by judgment dated 25.04.2025 which has been passed on the last Friday. Copy of the said judgment is placed before me. I have perused the said judgment. Copy of the said judgment is handed over to Ms. Jagtap, learned Special PP for Respondent No.1 – Union of India.

4. Once the Applicant is acquitted in the predicate offence, incarceration of the Applicant in PMLA Act which emanates from the same predicate offence becomes redundant.

5. Ms. Jagtap would submit that she was not aware about passing of the acquittal judgment and would have to take appropriate instructions as also file her Affidavit-in-Reply, if any. Considering the judgment which has been passed by the learned Trial Court in the predicate offence, Ms. Jagtap is directed to take appropriate instructions and file Affidavit-in-Reply, if any, on or before the next date to enable the Court to consider passing appropriate orders in the present Bail Application.

6. Prima facie it is seen that in so far as the predicate offence is concerned, Applicant was in custody for the past 8 years including the custody in the PMLA offence.

7. Considering long incarceration of the Applicant, Application for bail of Applicant shall be considered by the Court which shall be noted by the prosecution.

8. List the Bail Application on Board on 2nd May 2025.”

3. In compliance of the directions contained in paragraph 5 of the order, learned special prosecutor has placed on record affidavit-in-reply of Respondent dated 18th March, 2025. Learned Prosecutor would submit that she has verified the fact stated in the aforesaid order and it is true that Applicant has been acquitted by the learned Trial Court in the predicate offence. The PMLA offence prima facie when seen in fact emanates from the said predicate offence and in view of the aforesaid judgment which now stands confirmed by learned Prosecutor the Applicant's application for bail in the Special Offence deserves to be granted. In the affidavit-in-reply it is stated that Applicant is a relative of an underworld accused person and if released on bail he would be a flight risk and likely to abscond. The long incarceration of Applicant for more than 8 years in incarceration itself is humongous and prima facie rings a bell. Applicant is incarcerated for a period of more than eight years in the predicate offence. He was

shown arrested in the PMLA offence on 18th February 2022. His incarceration in the special offence itself is for a long period. Trial in predicate offence being over and Applicant's acquittal needs to be taken into account. Charge against the Applicant is under Section 45 read with Section 470 of the PMLA Act. Affidavit-in-reply is dated 18th March 2025 i.e. prior to the Judgment of acquittal on 25th April 2025. Application prima facie deserves to be considered for grant of bail on above consideration. In that view of the matter, present application is allowed 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.25,000/- with one or two sureties in the like amount;
- (ii) Applicant is permitted to furnish provisional cash bail of Rs.25,000/- for his release immediately and file undertaking that he will provide one or two sureties in the like amount of Rs.25,000/- within a period of four weeks after his release which shall be accepted by the Trial Court. Applicant shall provide sureties as directed;
- (iii) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail to the concerned Police Station and also to the trial Court;

- (iv) After his release from jail, Applicant shall report to the Investigating Officer as and when called for;
- (v) Applicant shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 1.00 p.m. to mark his presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;
- (vi) 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;
- (vii) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;
- (viii) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner; and
- (ix) In case of any infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

4. It is clarified that the observations made in this order are

limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial before the Special Court in the Special Offence shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

5. Bail Application No.637 of 2025 is allowed and disposed.

Laxmi Sontakke

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

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by HARSHADA
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