

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 906 OF 2025
WITH
INTERIM APPLICATION NO.1658 OF 2025
IN
CRIMINAL BAIL APPLICATION NO. 906 OF 2025

Ali Asgar Parvez Shirazi

.. Applicant

Versus

The State of Maharashtra & Anr.

.. Respondents

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- Mr. Sandeep Karnik a/w. Mr. Abhishek More, Advocate for Applicant.
- Mr. Hitendra J. Dedhia, APP for Respondent No.1 – State.
- Mr. Anil Yadav a/w. Mr. Dashrath A. Dubey, Advocates for Respondent No.2 – ED.

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 09, 2025.

P.C.:

1. Heard Mr. Karnik, learned Advocate for Applicant; Mr. Dedhia, learned APP for Respondent No.1– State and Mr. Yadav, learned Advocate for Respondent No.2.

2. Though Applicant has filed Application for Interim Bail, in view of the Affidavit-in-Reply filed by Respondent No.2 – the principal contesting Respondent i.e. ED and facts in the present case, the Bail Application is taken up for hearing.

3. Bail Application No.906 of 2025 is filed under Section 439 of the Code of Criminal Procedure, 1973 seeking Regular Bail in

connection with ECIR No.ECIR/MBZO-I/46/2023 registered by Directorate of Enforcement ('ED') for offences under Sections 3 and 4 of the Prevention of Money Laundering Act, 2002 (for short "**PMLA**"). Applicant is arrested in the PMLA offence on 05.01.2024 and is incarcerated since 1 year 4 months and 4 days. He was arrested in the predicate offence on 22.05.2023 and has spent a total period of almost 2 years in incarceration till date.

4. On 02.04.2025 after hearing Mr. Karnik, learned Advocate for Applicant, the following order was passed:-

- "1. Heard Mr. Karnik, learned Advocate for Applicant and Mr. Dedhia, learned APP for State.*
- 2. When the matter is called out there is no Advocate / Counsel is present on behalf of Respondent No.1.*
- 3. Mr. Karnik, learned Advocate for Applicant has placed before the Court the order dated 05.03.2025. He would persuade the Court to consider two submissions for enlarging Applicant on bail; firstly he would submit that present offence being a special offence under the PMLA Act has been invoked due to implication of the Applicant in predicate offence; Secondly, he would submit that insofar as the predicate offence is concerned Applicant has been discharged therein by order dated 21.03.2025 copy of which is placed on record. I have perused the same.*
- 4. It is prima facie observed by the learned Advocate for Applicant that there is no sufficient material to frame charges against the Applicant and he deserves to be discharged. Adequate reasons have also been given in the order dated 21.03.2025. Mr. Karnik would therefore persuade the Court to consider the same for allowing present application. That apart he would submit that incarceration of the Applicant in the predicate offence under the Special Act is almost 23 months and hence he would persuade the Court to consider aforesaid submissions for grant of bail.*
- 5. I have heard Mr. Karnik and perused the record of the case. I am informed that Mr. Yadav, learned Special Public Prosecutor is appointed to represent and espouse the cause of Respondent No.1 in the present matter apart from learned APP.*

He is directed to remain present on the next adjourned date.

6. Considering the above submissions Applicant has prima facie made out a case for grant of bail. Learned Prosecutor appearing in the matter shall ascertain the veracity of the submissions made by Mr. Karnik and apprise the Court on the next adjourned date. Only after hearing the learned prosecutor Application shall be decided.

*7. Stand over to **23rd April, 2025**. To be listed on the ‘**Supplementary Board**’.”*

5. Mr. Yadav, learned Advocate enters appearance for Respondent No.2 - ED. He has filed Affidavit-in-Reply dated 01.04.2025 which is appended at page No.621 of the Application to contend that Applicant is *prima facie* guilty of trafficking of various psychotropic substances and laundering narco-funds and he is a habitual offender committing crimes punishable under the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “**NDPS Act**”) which is emanating from the statement of his wife Ms. Mehreen Shirazi recorded by the prosecution. He would submit that Applicant is involved in floating various front companies for the sole purpose of investing narco-funds made out of trafficking of narcotic substances into various businesses. He has taken me through the Affidavit-in-Reply to consider that Applicant has received substantial proceeds of crime through various members of the drug syndicate which have been routed by him and his wife by layering through various accounts. He would submit that in the light of rigours of Section 45 of the PMLA, Applicant would have to satisfy the twin conditions for grant of bail.

Hence he would submit that Bail Application be rejected.

6. With the able assistance of the learned Advocates at the bar, I have perused the record of the case.

7. *Prima facie* it is seen that Applicant has been discharged from NDPS offence i.e. Special Case No.933 of 2021 by order dated 05.12.2024 passed by the NDPS Special Court which is appended at page No.99 of the Bail Application. It is seen that he has also been discharged from the scheduled offence i.e. NDPS Special Case No.1505 of 2023 by order dated 21.03.2025 which is appended at page No.22 of the Interim Application. I have perused both orders and they are well reasoned orders. Both orders conclude by stating that there is no sufficient material to frame the charge against Applicant and therefore he has been discharged. Since the special offence i.e. PMLA offence emanates from the predicate offence / scheduled offence, case of Applicant in the special offence for discharge / exoneration becomes stronger.

8. Applicant has already suffered the ignominy of incarceration in prison for the past almost 24 months pending trial. He is discharged in the predicate offence. Trial in PMLA offence has not yet commenced and therefore considering the long incarceration of Applicant for almost 24 pending trial and his discharge from the predicate offence, Applicant has made out a case for grant of bail. Considering that

Applicant has been discharged in predicate offence *prima facie* there is reasonable ground to believe that Applicant is not guilty of the offence of money laundering and not likely to commit any offence while on bail and shall commit to trial.

9. Hence Bail Application is allowed on 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 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.

10. 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 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.

11. Bail Application is allowed and disposed. In view thereof, Interim Application No.1658 of 2025 becomes infructuous and is accordingly disposed.

[MILIND N. JADHAV, J.]

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