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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 1489/2021

DIRECTORATE OF ENFORCEMENT

.....Petitioner

Through: Mr. Zoheb Hossain & Mr. Vivek
Gurnani, Special Counsel for ED

Versus

LI ZHENGHUA @ CARTER LEE

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

09.01.2025

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1. The present Petition under Section 482 of *the Code of Criminal Procedure, 1973* (henceforth referred to as the 'Cr.P.C'.) has been filed on behalf of the Petitioner-Directorate of Enforcement (henceforth referred to as the 'Department') against the Order dated 29.06.2021, whereby the Application of the Department under Section 362 of Cr. P.C, for recall of the Surety Bond, which was accepted on behalf of the Respondent- *Li Zhenghua @ Carterlee*, was dismissed.

2. Respondent- *Li Zhenghua @ Carterlee* was granted interim bail for 30 days by this Court *vide* Order dated 17.05.2021 on medical grounds but the Surety Bond presented before the Court of learned Metropolitan Magistrate was first withdrawn on 26.05.2021 and thereafter, on 01.06.2021. However, again Surety Bond was presented of the same person was accepted and the Respondent was released on Interim Bail on



04.06.2021.

3. Thereafter, an Application was filed on behalf of the Department alleging that once the Surety Bond of the same person had been rejected twice, the same should not have been accepted the third time. This grievance of the Department however, was rejected *vide* impugned Order dated 29.06.2021 by observing that the Orders passed by the learned Metropolitan Magistrate does not bind the Court from accepting the same Surety Bond. Moreover, the interim bail was only for a period of 30 days on medical grounds, which could not be defeated on the ground of soundness of the Surety.

4. Submissions heard.

5. It is not in dispute that after expiry of 30 days, the accused had applied for regular bail, which implies that he had complied with the Interim Bail Order and had surrendered and appeared before the Court after expiry of 30 days. He may have now absconded but this cannot relate back to the Interim Bail for which impugned Surety Bond was furnished. There is nothing which survives for consideration in the present Petition.

6. However, another prayer is made on behalf of the Petitioner – Department that while passing the impugned Order dated 29.06.2021, certain observations have been made against the Department. The learned Metropolitan Magistrate has observed that “*the department wants to conduct a superficial inquiry as the soundness of the surety which this Court was already satisfied about on material brought on record*”. He further observed that “*due to this tactic of the applicant department even though the interim bail was granted to the accused by the Hon’ble High*



Court on 17.05.2021, accused could only be released from the custody on 04.06.2021. It seems that the applicant department is trying to negate the Order passed by the Hon'ble High Court of Delhi indirectly."

7. Though nothing stigmatic appears in the afore-noted observations pointed out by the Petitioner-Department, it is hereby clarified that the same be not read against the Department.

8. The Petition is accordingly disposed of.

NEENA BANSAL KRISHNA, J

JANUARY 09, 2025

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