HC-KAR

NC: 2026:KHC:62058
CRL.P No. 5726 of 2026

CNR: KAHC010262552026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 5726 OF 2026

BETWEEN:

RAMAKRISHNA K
S/O LATE KRISHNAIAH
AGED ABOUT 76 YEARS
PRESENT ADDRESS R/AT NO.64
3RD FLOOR, 41ST CROSS, 3RD MAIN
JAYANAGAR 8TH CROSS
BENGALURU - 560 070.

...PETITIONER

(BY SRI SUDHANVA D.S, ADV.)

AND:

DIRECTORATE OF ENFORCEMENT
REP. BY ITS ASSISTANT DIRECTOR
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
BENGALURU ZONAL OFFICE
3RD FLOOR, B BLOCK
BMTC BUS STAND
DOUBLE ROAD, SHANTHINAGAR
BENGALURU - 560 027.

...RESPONDENT

(BY MS. ANUPARNA BORDOLOI, STANDING COUNSEL)

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Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) PRAYING TO SET ASIDE THE ORDER DATED 02.04.2026 PASSED BY THE HONBLE PRL.CITY CIVIL AND SESSIONS JUDGE, BENGALURU CCH-1 IN SPL.C.C.NO.780/2022 WHICH IS AT ANNEXURE-G ON THE APPLICATION FILED UNDER SEC.436A CR.PC AND CONSEQUENTLY ENLARGE THE PETITIONER ON BAIL.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CNR: KAHC010262552026

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused No.4 in Spl.C.C.No.780/2022 pending before the Court of the Principal City Civil and Sessions Judge, Bengaluru, arising out of ECIR/BGZO/09/2020 for the offences punishable under Sections 3 and 4 of the Prevention of Money Laundering Act, 2002, (hereinafter referred as 'PML Act, 2002' for short) is before this Court in this successive bail application filed under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. Respondent based on the FIR registered in Crime No.69/2020 by Banaswadi Police Station, Bengaluru, registered a case in ECIR/BGZO/09/2020 for scheduled offences punishable under Sections 3 and 4 of the PML Act, 2002, and in the said case, petitioner was arrested and remanded to judicial custody on 14.02.2022. After completing investigation, prosecution has filed a complaint against 30 accused and petitioner is arraigned as accused No.4 in the complaint. His earlier bail application was rejected before the Court of Special

Judge and subsequently, he had approached this Court in Crl.P.No.2561/2022, which was dismissed by this Court on 24.06.2022. Thereafter, he had approached the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.8032/2022, which was dismissed on 16.09.2022. Subsequently, petitioner had once again approached this Court in Crl.P.No.5974/2023, which was also dismissed by the Co-ordinate Bench of this Court on 24.08.2023. Thereafter, once again he had approached this Court in Crl.P.9930/2024, which was rejected on 23.11.2024. Subsequently, he had approached the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.6/2025, which was dismissed as withdrawn on 24.02.2026 with liberty to file a fresh bail application before the Trial Court, including on medical grounds. It is under these circumstances, petitioner had filed a fresh bail application before the Trial Court in Spl.C.C.No.780/2022 under Section 436A of Cr.P.C., which was dismissed by the Trial Court on 02.04.2026. Therefore, he is before this Court.

4. Learned counsel for the petitioner having reiterated the grounds urged in the petition submits that petitioner aged

about 76 years, is in custody for the last more than 4 years 6 months. Maximum punishment for the alleged offences in the present case is imprisonment for a period of seven years. Since the petitioner is in detention for more than 50% of the maximum punishment prescribed for the alleged offences and also considering his age, prayer made by the petitioner for grant of regular bail may be considered. He submits that further proceedings in Spl.C.C.No.780/2022 has been stayed by this Court in WP No.22532/2026 and therefore, the chances of trial being completed and the case being disposed off in the near soon is very remote. Accordingly, he prays to allow the petition.

5. Per contra, learned counsel for the respondent, who has filed statement of objections opposing the petition submits that petitioner had earlier approached this Court multiple times and also thereafter approached the Hon'ble Supreme Court and his petitions were dismissed. She submits that under Section 436A of Cr.P.C as a matter of right, an accused is not entitled for bail. The allegations in the case are serious in nature. Considering the same, his earlier bail applications were

rejected. It is also submitted that in the Special Leave to Appeal filed earlier, a contention was raised that petitioner has undergone 1/3rd of the maximum period of imprisonment prescribed for the alleged offences but the said ground was not pressed and petition was dismissed as withdrawn. Accordingly, she prays to dismiss the petition.

6. Section 479 of BNSS, 2023, which is corresponding to Section 436A of Cr.P.C., reads as follows:

> ***"479. Maximum period for which undertrial prisoner can be detained.***
>
> *(1) Where a person has, during the period of investigation, inquiry or trial under this Sanhita of an offence under any law (not being an offence for which the punishment of death or life imprisonment has been specified as one of the punishments under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on bail:*
>
> *Provided that where such person is a first-time offender (who has never been convicted of any offence in the past) he shall be released on bond by*

the Court, if he has undergone detention for the period extending up to one-third of the maximum period of imprisonment specified for such offence under that law:

Provided further that the Court may, after hearing the Public Prosecutor and for reasons to be recorded by it in writing, order the continued detention of such person for a period longer than one-half of the said period or release him on bail bond instead of his bond:

Provided also that no such person shall in any case be detained during the period of investigation, inquiry or trial for more than the maximum period of imprisonment provided for the said offence under that law.

Explanation.-In computing the period of detention under this section for granting bail, the period of detention passed due to delay in proceeding caused by the accused shall be excluded.

(2) Notwithstanding anything in sub-section (1), and subject to the third proviso thereof, where an investigation, inquiry or trial in more than one offence or in multiple cases are pending against a person, he shall not be released on bail by the Court.

(3) The Superintendent of jail, where the accused person is detained, on completion of one-half or one-third of the period mentioned in sub-section (1), as the case may be, shall forthwith make an application in writing to the Court to proceed under sub-section (1) for the release of such person on bail."

7. A reading of sub-section (1) of Section 479 of BNSS, 2023, makes it very clear that where an accused has undergone detention for a period extending upto one-half of the maximum period of imprisonment specified for that offence, he shall be released by the Court on bail.

8. The words used in the said provision of law is 'shall'. However, Proviso to the said sub-section says that Court may, after hearing the Public Prosecutor and for reasons to be recorded by it in writing, order the continued detention of such a person for a period longer than one-half of the said period or release him on bail bond instead of his bond.

9. In the case on hand, petitioner is in custody from 14.02.2022 onwards. As on this day, he is in custody for a

period of four years eight months twenty two days. Maximum punishment for the alleged offences in the present case is imprisonment for a period of seven years. It is brought to the notice of this Court by learned counsel for the petitioner that trial in Spl.C.C.No.780/2022 has been now stalled in view of the interim order passed by the Co-ordinate Bench of this Court in WP No.22532/2026 on 22.07.2026. Therefore, the chances of trial being completed and the case being disposed off in the near soon is very remote.

10. In the case of ***Javed Gulam Nabi Shaikh v. State of Maharashtra and Another - 2024 SCC OnLine SC 1693*** at paragraph No.19, the Hon'ble Supreme Court has observed as follows:

> ***"****19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed*

is serious. Article 21 of the Constitution applies irrespective of the nature of the crime".

11. The Hon'ble Supreme Court in the case of ***In Re-inhuman Conditions in 1382 Prisons vs. Ors. in WPs (Civil) No(s).406/2013*** vide order dated 19.11.2024, has held that beneficial provisions of Section 479 of BNSS, 2023, shall apply to all under-trials in pending cases irrespective of whether the case was registered against them prior to 01.07.2024 i.e., the date on which the new legislation has come into force. In the said case, it is also observed that deserving undertrials is required to be identified by the Undertrial Review Committee (UTRC) for the purpose of enabling the Court to extend the benefit of the aforesaid provision.

12. In the case of ***Vijay Madanlal Choudhary and Others vs. Union of India and Others - (2023) 12 SCC 1***, the Hon'ble Supreme Court in paragraph No.326, has observed as follows:-

"326. In our opinion, therefore, Section 436-A needs to be construed as a statutory bail

provision and akin to Section 167 of the 1973 Code. Notably, the learned Solicitor General has fairly accepted during the arguments and also restated in the written notes that the mandate of Section 167 of the 1973 Code would apply with full force even to cases falling under Section 3 of the 2002 Act, regarding money laundering offences. On the same logic, we must hold that Section 436-A of the 1973 Code could be invoked by the accused arrested for the offence punishable under the 2002 Act, being a statutory bail."

13. It is also brought to the notice of this Court that petitioner aged 76 years is also facing certain medical conditions for which he needs urgent attention. Considering the aforesaid aspects of the matter, I am of the opinion that the prayer made by the petitioner for grant of regular bail needs to be answered affirmatively subject to appropriate conditions. Accordingly, the following order:-

14. The criminal petition is allowed. The petitioner is directed to be enlarged on bail in Spl.C.C.No.780/2022 pending before the Court of the Principal City Civil and Sessions Judge,

Bengaluru, arising out of ECIR/BGZO/09/2020 for the offences punishable under Sections 3 and 4 of the PML Act, 2002, subject to the following conditions:

a) Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;

c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The petitioner shall not involve in similar offences in future;

e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

DN/List No.: 1 Sl No.: 37