



CRL OP(MD) NO. 4416 of 2026

CRL.O.P(MD)No. 4416 OF 2026

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S.SRIMATHY, J.

This case is listed under the caption “*for clarification*”

2. Mr. K.R. Laxman, the learned Special Public Prosecutor (Directorate of Enforcement) appearing for the respondent, vehemently objected to the granting of bail to the petitioner. He relied on Section 45 of the Prevention of Money Laundering Act, 2002 , which is similar to Section 37 of the NDPS Act , and submitted that notice ought to be issued to the respondent. In the present case, notice was issued to the respondent, and the respondent has filed a counter affidavit objecting to the grant of bail. Thus, the first condition is complied with, and thereafter the petitioner has to satisfy the conditions stated under Section 45 of the Act.

3. A-1 is the owner of the mining operation, and the petitioner was working as a Supervisor in the said mining operation. According to the petitioner, he acted only based on the directions of the owner.



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4. According to the prosecution, the petitioner, being a Supervisor, knew the entire mining operation and the facts of the case, including the issue of over-mining. Therefore, he is also liable for the alleged offence. Hence, the respondent vehemently objected to granting bail. However, since the petitioner was only a Supervisor working under A-1, he was bound to follow the instructions of the owner. The specific overt act alleged against the petitioner appears to be that, despite knowing about the mining activities, he did not stop the illegal mining operation. The same alone cannot be a ground to hold him guilty. There is a likelihood that the petitioner may not ultimately be found guilty. Therefore, the first condition is satisfied. There is no previous case pending against the petitioner, and hence the second condition is also satisfied. Since the petitioner satisfies the said conditions, bail ought to be considered.

5. The next contention of the respondent is that the present bail application is not maintainable in view of the judgment reported in(2001) 7 Supreme Court Cases 673 in the case of State of M.P. vs. Kajad, wherein the relevant paragraph No. 8 is extracted hereunder:

....

“8.It has further to be noted that the factum of the rejection of his earlier bail application bearing Miscellaneous Case No.2052 of 2000 on 5.6.2000 has not been denied by the



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respondent. It is true that successive bail applications are permissible under the changed circumstances. But, without the change in circumstances the second application would be deemed to be seeking review of the earlier Judgment which is not permissible under criminal law as has been held by this Court in Hari Singh Mann V. Harbhajan Singh Bajwa and various other Judgments.”

6. The said judgment states that if there is any change in circumstances, the bail application can be entertained. The specific contention of the prosecution is that there is no change in circumstances. However, it is seen that the petitioner filed the first bail application in Crl.O.P.(MD) No. 18855 of 2025, and this Court, by order dated 15.11.2024, dismissed the bail application. At the time of considering the bail application, there was no progress in the case. The case was posted on 11.11.2024, where it was stated that the purpose of hearing was “IA/EA/CMA/CRP pending.” Therefore, this Court, considering that there was no progress in the case, dismissed the petition.

7. Thereafter, the petitioner filed another bail application in Crl.O.P.(MD) No. 11076 of 2025, which was dismissed by order dated 04.08.2025. The trial Court had posted the case on 20.08.2024. The “B” diary



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extract states that 'CRP pending' and the case had been adjourned at various dates from 08.07.2025 onwards. Since there was again no progress in the trial, this Court dismissed the petition.

8. Now, as of today, the case has been posted for trial and the trial has commenced. Thereafter, from 05.11.2025 the case was posted for evidence, and evidence has been recorded on both sides. When there is progress in the trial, and this Court has observed in the earlier order that the petitioner is entitled to bail. Therefore, the objections raised by the respondent cannot be accepted and the same are rejected.

9. The next contention of the respondent is that the petitioner had jumped bail twice earlier in the year 2021. Subsequently, since there was no progress in the trial, the petitioner filed another bail application. It is stated that he was granted bail twice and on both occasions he jumped bail. Therefore, the apprehension of the prosecution is that the petitioner may again jump bail, which may result in the trial not being progressed.

10. Taking all these aspects into consideration, this Court is of the considered opinion that strict conditions should be imposed would suffice.



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11. After hearing the objections of the prosecution, the above order is passed. The accused was granted bail.

05.03.2026

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Note : Issue a copy of order on 10.03.2026



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