



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 24TH DAY OF JUNE, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL PETITION NO. 13915 OF 2025

BETWEEN:

DIRECTORATE OF ENFORCEMENT
BENGALURU ZONAL OFFICE
GOVERNMENT OF INDIA
3RD FLOOR B BLOCK BMTC
TTMC BUILDING KH ROAD
SHANTIHAGAR, BANAGALORE - 560 027
REP BY ITS ASSISTANT DIRECTOR
SRI VISHAL ARYA.

...PETITIONER

(BY SMT. ANUPARNA BORADOLOI, ADV.,)

AND:

MRS.AISHWARYA GOWDA
W/O HARISH K.N
AGE ABOUT 33 YEARS
R/A FLAT NO.1401, 14TH FLOOR
TOWER C, CARDINAL ONE
YESHWANTHPUR
BENGALURU - 560 022.

...RESPONDENT

(BY SRI SUNIL KUMAR S, ADV.)

THIS CRL.P IS FILED U/S 439(2) CR.PC (FILED U/S 483(3)
PRAYING TO CANCEL THE BAIL GRANTED ORDER DATED 17.06.2025
PASSED IN ECIR/BGZO/06/2025 BY THE COURT OF THE PRL.CITY
CIVIL AND SESSIONS, JUDGE, BENGALURU GRANTING BAIL TO THE
RESPONDENT FOR THE OFFENCES P/U/S 3 AND 4 OF THE
PREVENTION OF MONEY LAUNDERING ACT, 2002.





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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. This petition under Section 483(3) of BNSS, 2023, is filed with a prayer to cancel the regular bail granted to the respondent herein by the Court of Prl. City Civil & Sessions Judge, Bengaluru, vide order dated 17.06.2025 passed in ECIR/BGZO/06/2025 registered for the offences punishable under Sections 3 & 4 of the Prevention of Money Laundering Act, 2002 (for short, 'the Act').

2. Heard the learned Counsel for the parties.

3. The petitioner had registered report in ECIR/BGZO/06/2025 against the respondent and others on the ground that multiple criminal cases are registered against the respondent and others for the schedule offences on the allegation that the accused had entered into criminal conspiracy and cheated several individuals to the tune of crores of rupees and the proceeds of the crime was laundered.



4. The respondent who was arrested by the petitioner had filed a regular bail application before the Court of Special Judge which was allowed on 17.06.2025. Assailing the same, the prosecution is before this Court.

5. Learned Counsel for the petitioner having reiterated the grounds urged in the petition submits that the Trial Court was not justified in granting bail to the respondent solely for the reason that the respondent is a lady. She has placed reliance on the judgment of the Hon'ble Supreme Court in the case of **SAUMYA CHAURASIA VS DIRECTORATE OF ENFORCEMENT - (2024)6 SCC 401**, and submits that the proviso to Section 480 of BNSS, 2023, would not be applicable in a case registered for the offences under the Act. She submits that in view of Section 45 of the Act, the Trial Court without recording a finding with regard to the twin conditions found in Section 45 of the Act, could not have granted regular bail to the respondent. In support of this argument, she has placed reliance on the judgment of the Hon'ble Supreme Court in the case of **TARUN KUMAR VS ASSISTANT DIRECTOR, DIRECTORATE OF ENFORCEMENT - (2024)13 SCC 788**. She accordingly prays to allow the petition.



6. Per contra, learned Counsel appearing for the respondent submits that respondent who is a married lady was arrested on 24.04.2025 and she has co-operated with the petitioner for the purpose of investigation. Investigation of the case is now completed and charge sheet/complaint is already filed. He submits that the twin conditions found in Section 45 of the Act need not be satisfied when the accused is a woman. In support of his argument, he has placed reliance on the judgment of the Hon'ble Supreme Court in the case of **SHASHI BALA @ SHASHI BALA SINGH VS DIRECTORATE OF ENFORCEMENT** - Criminal Appeal No.212/2025 disposed of on 15.01.2025, and also in the case of **KALVAKUNTLA KAVITHA VS DIRECTORATE OF ENFORCEMENT - 2024 SCC OnLine SC 2269**. He further submits that charge sheet runs upto more than 6,700 pages and prosecution has cited 39 charge-sheet witnesses in the present case. Till date, trial has not commenced, and therefore, the chances of the case being disposed of on merits in the near soon is remote. He also submits that further proceedings of the criminal cases registered for predicate offences against the



respondent has been stayed by this Court. Accordingly, he prays to dismiss the petition.

7. The material on record would go to show that multiple criminal cases were registered against the respondent and others in various police stations at Bengaluru and Mandya with the allegations that respondent herein claiming herself to be a big business woman and projecting herself as the sister of a Member of Parliament, had approached various individuals and lured them to invest in her business by promising high rate of return and had collected money as well as gold from gullible people, and thereafter had not returned the money/gold and thereby cheated them. On the allegation that the proceeds of the crime in criminal cases registered against the respondent and others invoking the schedule offences punishable under Sections 384, 420 IPC was laundered by the accused persons, petitioner had registered a report in ECIR/BGZO/06/2025 and during the course of investigation, it was found that a sum of Rs.2.385 Crores received through bank transfer and a sum of Rs.4.79 Crores received in cash and gold were proceeds of the crime as per Section 2(1)(u) of the Act. The respondent herein



was arrested by the petitioner on 24.04.2025 and it is not in dispute that she had co-operated with the officers of the petitioner during the course of investigation. It is also not in dispute that investigation of the case is now completed and a charge sheet/complaint has been already filed before the Trial Court.

8. Learned Counsel for the petitioner has contended that since the Trial Court has not recorded any finding on the twin conditions provided under Section 45 of the Act, the order granting bail to the respondent solely for the reason that she is a woman is bad in law. In support of this argument, she has placed reliance on the judgment of the Hon'ble Supreme Court in Saumya Charasiya's case supra and Tarun Kumar's case supra.

9. In Saumya Charasiya's case supra, the Hon'ble Supreme Court in paragraph nos.23 & 24, has observed as under:

"23. The use of the expression "may be" in the first proviso to Section 45 clearly indicates that the benefit of the said proviso to the category of persons mentioned therein may be extended at the discretion of the court considering the facts and circumstances of



each case, and could not be construed as mandatory or obligatory on the part of the court to release them. Similar benevolent provision for granting bail to the category of persons below the age of sixteen years, women, sick or infirm has been made in Section 437CrPC and many other special enactments also, however by no stretch of imagination could such provision be construed as obligatory or mandatory in nature, otherwise all serious offences under such special Acts would be committed involving women and persons of tender age below 16 years. No doubt the courts need to be more sensitive and sympathetic towards the category of persons included in the first proviso to Section 45 and similar provisions in the other Acts, as the persons of tender age and women who are likely to be more vulnerable, may sometimes be misused by the unscrupulous elements and made scapegoats for committing such crimes, nonetheless, the courts also should not be oblivious to the fact that nowadays the educated and well placed women in the society engage themselves in the commercial ventures and enterprises, and advertently or inadvertently engage themselves in illegal activities. *In essence, the courts should exercise the discretion judiciously using their prudence, while granting the benefit of the first proviso to Section 45 PMLA to the category of persons mentioned therein. The extent of involvement of the persons falling in such category in the alleged offences, the nature of evidence collected by the investigating agency, etc. would be material considerations.*



24. In the instant case as discussed hereinabove, there is sufficient evidence collected by the respondent Enforcement Directorate to prima facie come to the conclusion that the appellant who was Deputy Secretary and OSD in the Office of the Chief Minister, was actively involved in the offence of money laundering as defined in Section 3 PMLA. As against that there is nothing on record to satisfy the conscience of the Court that the appellant is not guilty of the said offence and the special benefit as contemplated in the proviso to Section 45 should be granted to the appellant who is a lady."

10. The Hon'ble Supreme Court in its subsequent judgment rendered in Kalvakunta Kavitha's case supra, after having referred to the case of Saumya Charasiya supra, in paragraph nos.24 to 28, has observed as under:

"24. A perusal of the judgment of this Court in the case of *Saumya Chaurasia* (supra) would show that this Court has observed that the Courts need to be more sensitive and sympathetic towards the category of persons included in the first *proviso* to Section 45 of the PMLA and similar provisions in the other Acts. The Court observes that the persons of tender age and women who are likely to be more vulnerable may sometimes be misused by unscrupulous elements and made scapegoats for committing such crime.



25. No doubt that this Court observes that nowadays the educated and well-placed women in the society engage themselves in commercial ventures and enterprises and advertently or inadvertently engage themselves in the illegal activities. The Court therefore puts a caution that the Courts, while deciding such matters, should exercise the discretion judiciously using their prudence.

26. This Court in the case of *Saumya Chaurasia* (supra), while paraphrasing *proviso* to Section 45(1) of the PMLA stated in paragraph 23 as follows:

"23. No doubt the courts need to be more sensitive and sympathetic towards the category of persons included in the first proviso to Section 45 and similar provisions in the other Acts, as the persons of tender age and women who are likely to be more vulnerable, may sometimes be misused by the unscrupulous elements"

27. This Court, in the carefully couched paragraph extracted above used the phrase "*persons of tender age and woman who are likely to be more vulnerable, may sometimes be misused by the unscrupulous elements*". This is vastly different from saying that the *proviso* to Section 45(1) of the PMLA applies only to "vulnerable woman". Further, this Court in the case of *Saumya Chaurasia* (supra) does not say that merely because a woman is highly educated or sophisticated or a Member of Parliament or a Member of Legislative Assembly, she is not entitled to the benefit of the *proviso* to Section 45(1) of the PMLA.



28. We, therefore, find that the learned Single Judge of the High Court has totally misdirected herself while denying the benefit of the *proviso* to Section 45(1) of the PMLA."

11. In the said case, the Hon'ble Supreme Court after referring to Section 45 of the Act, in paragraph nos.14 to 17, has observed as under:

"14. We are further of the view that the *proviso* to Section 45(1) of the PMLA would entitle a woman for special treatment while her prayer for bail is being considered.

15. The said *proviso* to Section 45(1) of the PMLA reads thus:—

"Provided that a person, who, is under the age of sixteen years, or is a woman or is sick or infirm, or is accused either on his own or along with other co-accused of money-laundering a sum of less than one crore rupees, may be released on bail, if the special court so directs:"

16. A perusal of the above *proviso* would thus reveal that the *proviso* permits certain category of accused including woman to be released on bail, without the twin requirement under Section 45 of the PMLA to be satisfied. No doubt that, as argued by the learned ASG, in a given case the accused even if a woman may not be automatically entitled to benefit of the said *proviso* and it



would all depend upon the facts and circumstances of each case.

17. However, when a statute specifically provides a special treatment for a certain category of accused, while denying such a benefit, the Court will be required to give specific reasons as to why such a benefit is to be denied."

12. In Shashi Bala's case supra, the Hon'ble Supreme Court has observed as under:

"On its plain reading, the first proviso to sub-Section (1) of Section 45 operates as an exception to clause (ii) of sub-Section (1) of Section 45 of the PMLA. Therefore, when a woman applies for bail, the twin conditions in clause (ii) need not be satisfied. Though we have granted time to the learned Additional Solicitor General to make submissions in support of the submission that notwithstanding the proviso to sub-Section (1) of Section 45 of the PMLA, rigours of clause (ii) of sub-Section (1) of Section 45 of the PMLA will apply even to a woman, today the learned Solicitor General appears and states that rigours of clause (ii) of sub-Section (1) of Section 45 of the PMLA will not apply to a woman, in view of proviso to sub-Section (1) of Section 45 of the PMLA."

13. In the present case, the prosecution has filed the charge sheet which runs upto more than 6,700 pages, and there are 39 charge-sheet witnesses cited in the present case. The



Hon'ble Supreme Court in Shashi Bala's case supra taking into consideration that the maximum punishment for the alleged offences is seven years and possibility of trial being concluded in the near future being remote, considering that the accused was a woman, has held that a prima facie case is made out for enlarging the accused on bail.

14. A reading of the order passed by the learned Trial/Special Judge granting bail to the respondent would go to show that he has applied his mind and has passed a reasoned order while granting bail to the respondent. The learned Special Judge has also taken into consideration that the respondent has been granted bail in all the cases registered against her for predicate offences and further proceedings in some of the cases registered against her for predicate offences has been stayed by this Court. The respondent who is a married women was in custody for nearly two months and the Trial Judge has observed that it is not the case of the prosecution that they require the presence of the respondent for investigation in the present case.



15. Under the circumstances, I am of the opinion that petitioner has not made out a case for cancellation of regular bail granted to the respondent. Accordingly, petition is dismissed.

**Sd/-
(S VISHWAJITH SHETTY)
JUDGE**

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