



IN THE SUPREME COURT OF INDIAN
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1650 OF 2022
(Arising out of SLP(CrI.) No.6061/2020)

RAMCHAND KARUNAKARAN

APPELLANT(S)

VERSUS

DIRECTORATE OF ENFORCEMENT & ANR.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. This appeal challenges the Judgment and Order dated 29.10.2020 passed by the High Court of Judicature at Bombay in Bail Application No.361 of 2020.
3. The appellant, Original Accused No.vi in P.M.L.A. Special Case No.6 of 2019 on the file of City Civil Court and Additional Sessions Judge, is accused of having committed offences punishable under Sections 3 and 4 of the Prevention of Money Laundering Act, 2002 (for short, the PML Act). The scheduled or predicate offence in the instant case pertain to (a) offences under Section 120-B read with Sections 409, 467, 468 and 471 of the Indian Penal Code in terms of F.I.R. No.253 of 2018 dated 06.12.2018 registered with

Economic Offences Wing, New Delhi; and (b) offences under Section 447 of the Companies Act, 2013, read with Section 120B and Section 420 of the Indian Penal Code in relation to Criminal Complaint No.20 of 2019 dated 30.05.2019 filed by the Serious Fraud Investigation office, Mumbai.

4. It appears that on the ground that the sanction issued in the said predicate offences suffered from non-application of mind, the order issuing sanction was quashed by the High Court. The said order is presently under challenge in SLP (Cr1.) No.2559 of 2019.

5. Even while quashing the order, the High Court had stayed the operation of its order, which order of interim stay is presently continuing as a result of directions issued by this Court. It was, however, made clear that the order of interim relief so granted by this Court would not in any way affect the orders granting bail to the accused.

6. We are presently concerned with the proceedings arising out of the complaint filed under the provisions of PML Act. In the instant case, the appellant was taken in custody on 19.06.2019 and has remained in custody since then. Thus, the appellant

has completed more than three years of actual custody in connection with the offence in respect of PML Act.

7. It has been brought to our notice that Accused Nos. 2, 3, 4 and 7 have not yet been arrested and though the cognizance in the matter has been taken, charges are yet to be framed.

8. Considering the entirety of the matter and the fact that the appellant is a senior citizen, in our view, the appellant is entitled to the relief of bail. We therefore, allow this appeal and while setting aside the order passed by the High Court direct as under:

- (a) The appellant shall be produced before the concerned trial Court within three days from today.
- (b) The trial Court shall release the appellant on bail subject to such conditions as the trial Court may deem appropriate to impose.
- (c) The appellant shall deposit his passport, if not deposited earlier, with the trial Court.
- (d) The appellant shall mark his presence in the office of the Enforcement Directorate every second and fourth Monday between 11.00 AM and 01.00 PM in a register earmarked for the

purposes.

- (e) The appellant shall not misuse his liberty nor shall he attempt to influence any of the witnesses.
- (f) The appellant shall cooperate with the proceedings before the trial Court and shall appear in-person unless his presence is exempted by the trial Court.
- (g) Any infraction of these conditions shall entail in cancellation of the relief for bail

9. With these observations, the appeal is allowed and pending applications stand disposed of.

.....CJI.
(UDAY UMESH LALIT)

.....J.
(S. RAVINDRA BHAT)

NEW DELHI
SEPTEMBER 23, 2022

ITEM NO.29

COURT NO.1

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 6061/2020

(Arising out of impugned final judgment and order dated 29-10-2020 in BA No. 361/2020 passed by the High Court Of Judicature At Bombay)

RAMCHAND KARUNAKARAN

Petitioner(s)

VERSUS

DIRECTORATE OF ENFORCEMENT & ANR.

Respondent(s)

(IA No. 78874/2021 - APPLICATION FOR EXEMPTION FROM FILING NOTARISED REJOINDER AFFIDAVIT., IA No. 123241/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 45163/2021 - INTERIM BAIL AND IA No. 159311/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 23-09-2022 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

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|-------------------|---|
| For Petitioner(s) | Mr. Kapil Sibal, Sr. Adv. Mr. Arunabh Chowdhury, Sr. Adv. Mr. Varun Sathiya, Adv. Mr. Karma Dorjee, Adv. Ms. Samten Doma, Adv. Ms. Aparajita Jamwal, Adv. Ms. Pragya Baghel, AOR |
| For Respondent(s) | Mr. Tushar Mehta, SG (NP) Mr. S.V. Raju, ASG Mr. Zoheb Hossain, Adv. Mr. Mohd. Akhi, Adv. Mr. Kanu Agarwal, Adv. Mr. Adit Khorana, Adv. Mr. Mukesh Kumar Maroria, AOR Mr. Siddharth Dharmadhikari, Adv. Mr. Aaditya A. Pande, AOR Mr. Bharat Bagla, Adv. |

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed and pending applications are disposed of in terms of the signed order.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)
COURT MASTER

(Signed order is placed on the file.)