

[2023 LiveLaw \(SC\) 603](#)

IN THE SUPREME COURT OF INDIA

DR. D.Y. CHANDRACHUD; CJI., J.B. PARDIWALA; J., MANOJ MISRA; J.

Petition(s) for Special Leave to Appeal (Crl.) No.7409/2023; 04-08-2023

DIRECTORATE OF ENFORCEMENT versus PREETI CHANDRA

Prevention of Money Laundering Act, 2002; Section 45 - The respondent has undergone over 620 days of custody. Since in the exercise of its discretion, the High Court has come to the conclusion that the respondent should be released on bail, we are not interfering with the order under Article 136 of the Constitution. (Para 3)

(Arising out of impugned final judgment and order dated 14-06-2023 in BA No.3494/2022 passed by the High Court of Delhi at New Delhi)

For Petitioner(s) Mr. S.V. Raju, ASG Mr. Mukesh Kumar Maroria, AOR Mr. Zoheb Hussain, Adv. Mr. Padmesh Mishra, Adv. Mr. Annam Venkatesh, Adv.

For Respondent(s) Mr. Kapil Sibal, Sr. Adv. Mr. Siddharth Aggarwal, Sr. Adv. Ms. Neeha Nagpal, Adv. Mr. Adit Pujari, Adv. Mr. Malak Manish Bhatt, AOR Mr. Vishvendra Tomar, Adv. Mr. Maitreya Subramaniam, Adv. Mr. Chaitanya Sundriyal, Adv. Mr. Zeeshan Thomas, Adv.

ORDER

1 The High Court by its impugned order dated 14 June 2023 granted bail to the respondent subject to the following terms and conditions:

“a) The applicant shall furnish a personal bond with a surety in the sum of Rs.1,00,000 to the satisfaction of the Trial Court;

b) The applicant shall give up her citizenship of Dominican Republic within a period of 1 week from the date of release and documentary proof of the same be placed before the learned Trial Court;

c) The applicant shall not leave the country during the bail period and surrender her Dominican Republic passport at the time of release before the Trial Court;

d) The applicant shall join the investigation as and when called by the I.O. concerned;

e) The applicant shall appear before the Court as and when the matter is taken up for hearing;

f) The applicant shall provide her mobile number to the Investigating Officer (IO) concerned at the time of release, which shall be kept in working condition at all times. The applicant shall not switch off, or change the same without prior intimation to the IO concerned, during the period of bail;

g) In case she changes her address, she will inform the IO concerned and this Court also;

h) The applicant shall not indulge in any criminal activity during the bail period.

i) The applicant shall not communicate with or intimidate or influence any of the prosecution witnesses or tamper with the evidence of the case.”

2 The proviso to Section 45 of the Prevention of Money Laundering Act 2002 confers a discretion on the Court to grant bail where the accused is a woman. Similar provisions of Section 437 of the Code of Criminal Procedure 1973 have been interpreted by this Court to mean that the statutory provision does not mean that person specified in the first proviso to sub-section (1) of Section 437 should necessarily be released on bail. [see **Prahlad Singh Bhati vs NCT, Delhi and Another** (2001) 4 SCC 280]

3 Considerations which weigh in the grant of bail are distinct from those which are relevant to the adjudication of an application for cancellation of bail. The respondent has undergone over 620 days of custody. Since in the exercise of its discretion, the High Court

has come to the conclusion that the respondent should be released on bail, we are not interfering with the order under Article 136 of the Constitution.

4 In addition to the terms and conditions which have been imposed by the High Court, we direct that:

- (i) The respondent shall not leave the limits of the NCR region;
- (ii) The respondent shall report once every two weeks to the Investigating Officer; and
- (iii) The respondent shall not dispose of any property without specific permission of the Special Court.

5 Mr Kapil Sibal, senior counsel appearing on behalf of the respondent states that in compliance of the order of the High Court, the respondent has already applied for relinquishing her citizenship of the Dominican Republic and unconditionally undertakes to relinquish her citizenship. She shall do so forthwith and report compliance within a fortnight to the Special Judge. In that view of the matter, it has been stated by learned senior counsel that the respondent would apply for citizenship to the Indian authorities. The application may be processed in accordance with law.

6 Subject to the above, the Special Leave Petition is disposed of.

7 Pending applications, if any, stand disposed of.

© All Rights Reserved @LiveLaw Media Pvt. Ltd.

*Disclaimer: Always check with the original copy of judgment from the Court website. Access it [here](#)