

ITEM NO.13

COURT NO.11

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 6128/2019

(Arising out of impugned final judgment and order dated 21-12-2018 in MCRC No. 51457/2018 passed by the High Court Of M.p At Indore)

ASSISTANT DIRECTOR DIRECTORATE OF ENFORCEMENT

Petitioner(s)

VERSUS

PANKAJ TRIVEDI

Respondent(s)

WITH

SLP(Crl) No. 6149/2019 (II-A)

(IA No. 83563/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 28-03-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. Tushar Mehta, Solicitor General
Mr. K.m. Nataraj, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Zoheb Hussain, Adv.
Ms. Shradha Deshmukh, Adv.
Mr. Kanu Agarwal, Adv.
Mr. Shantnu Sharma, Adv.
Mr. Pratyush Srivastava, Adv.

For Respondent(s) Mr. Pallav Shisodia, Sr. Adv.
Mr. Ravi Mehrotra, Adv.
Mr. R.K. Sinha, Adv.
Mr. Dharmendra Kumar Sinha, AOR

Mr. Siddharth Aggarwal, Sr. Adv.
Mr. Pai Amit, AOR
Ms. Swati Bhardwaj, Adv.
Mr. Shantanoo Saxena, Adv.
Mr. Abhiyudaya Vats, Adv.

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

Heard learned counsel for the petitioner, i.e., the Enforcement Directorate and the respondents in both these petitions.

The petitioner questions the legality of two orders of bail passed by the High Court on 21.12.2018 in respect of 'Pankaj Trivedi' (respondent in SLP(Crl.) No. 6128 of 2019) and 29.11.2018 in respect of 'Nitin Mohindra' (respondent in SLP(Crl.) No. 6149 of 2019).

It is emphatically submitted by learned counsel for the Enforcement Directorate that the High Court wrongly released both the respondents on bail without having regard to the gravity of the offence and without considering the restrictive provisions of Section 45 of the Prevention of Money Laundering Act(' PMLA').

So far as the position of trial is concerned, we are apprised by learned counsel for both the parties that the same is at the stage of framing of charges and investigation is complete.

In such circumstances, as both the respondents in these petitions have been enlarged on bail four years back and further that they have already suffered about three years imprisonment in the predicate offences, we do not think any benefit would accrue to the investigating agency by taking them again in custody. In the event the prosecution finds that these two respondents are not cooperating in the trial, or there are any subsequent developments requiring their detention, the Enforcement Directorate shall be at liberty to apply for cancellation of bail before this Court.

The present petitions stand disposed of in the above terms.
Pending application(s), if any, shall stand disposed of.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(VIDYA NEGI)
ASSISTANT REGISTRAR