



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Reserved on: 30th August, 2024**
Pronounced on: 17th September, 2024

+ **BAIL APPLN. 2727/2023 & CRL.M.(BAIL) 1338/2024**

AMIT ARORA
S/o Shri Surinder Kumar Arora
M 1411 A, The Magnolias
Golf Link, Gold Course Road
Gurugram, Haryana-122001

.....Petitioner

Through: Mr. Vikas Pahwa, Sr. Advocate with
Mr. Prabhav Ralli, Ms. Namisha Jain,
Mr. Dev Vrat Arya, Mr. Yuvraj
Bansal and Mr. Pranay Chitale,
Advocates.

versus

DIRECTORATE OF ENFORCEMENT
Pravartan Bhawan,
APJ Abdul Kalam Road
New Delhi-110011

.....Respondent

Through: Mr. Zoheb Hossain, Special Counsel,
Mr. Vivek Gurnani, Panel Counsel &
Mr. Kartik Sabharwal, Advocate.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. The present Bail Application under Section 439 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) read with Section 45 of the Prevention of Money Laundering Act, 2002 (*hereinafter referred to as "PMLA, 2002"*) has been filed on behalf of the



Applicant seeking grant of regular bail in ECIR No. ECIR/HIU-II/14/2022 (*hereinafter referred to as “ED case”*) dated 22.08.2022 registered under Sections 3/4 PMLA, 2002 at Police Station HIU, Directorate of Enforcement (*hereinafter referred to as the “said ECIR”*).

2. The Applicant has submitted that he is a Well-established businessman based in New Delhi renowned for his pioneering work in Airport Retail and Food & Beverages (F&B) with an Engineering degree from Delhi College of Engineering and MBA from IIM Bangalore. The Applicant has been conducting business operation since 2009 and owns various acclaimed restaurants across prominent airports in Delhi, Mumbai, Kolkata and Chennai wherein he employs 500 people demonstrating his prominence in the industry and has held significant positions in various organisations such as Infosys, J&J, GM, Reliance Retail, Merrill Lynch, and Halliburton. Further it is submitted that the Applicant is a law-abiding and peaceful citizen with deep roots in society. It is submitted that he is the only earning member of his family and has a permanent address in Gurgaon where he resides with his wife and four minor children.

3. ***The brief facts of the case*** are that the GNCTD released the Delhi Excise Policy for the Year 2021-2022 (*hereinafter referred to as the “Excise Policy”*) on 05.07.2021. After the fulfilment of all the procedures of tenders and allotment, the Excise Policy was implemented on 17.11.2021 by the GNCTD.

4. A complaint addressed to the Union Home Secretary by the Hon’ble Lieutenant Governor, NCTD vide D.O. Letter No. SLG/Conf./2022/75 alleging large-scale malpractice and corruption in the framing and implementation of the Excise Policy for the Year 2021-22 and the said



Complaint dated 20.07.2022 was conveyed to the Central Bureau of Investigation (CBI) by the Director, Ministry of Home Affairs, Government of India vide *O.M. No. 14035/06/2022-Delhi-1* dated 22.07.2022 for necessary enquiry and action.

5. Thereafter, the CBI registered an *FIR No. RC0032022A0053* (*hereinafter referred to as "CBI case"*) dated 17.08.2022 under *Section 120B* of the *Indian Penal Code, 1860* ('*IPC, 1860*' *hereinafter*) read with *Sections 7/7A/8* of *Prevention of Corruption Act, 1988* at Police Station CBI, ACB, New Delhi against Manish Sisodia and 13 others accused persons in respect of irregularities and illegalities committed in framing and implementation of *Excise Policy 2021-22*.

6. It is submitted that the Applicant was never arrested or chargesheeted by the CBI in the predicate offence.

7. The ED registered ECIR No. ECIR/HIU-II/14/2022 on 22.08.2022 wherein the Applicant was arrayed as *Accused No. 9*. The Applicant was summoned for the first time on 06.09.2022 during the stage of investigation wherein he cooperated to the fullest and continued to cooperate as and when he was summoned. However, on 29.11.2022 the Applicant was arrested by the Respondent.

8. On 06.01.2023 the Respondent filed the Supplementary Prosecution Complaint ('*SPC*' *hereinafter*) arraying the Applicant as *Accused No. 14*. Consequently, on 23.01.2023, the Applicant moved an interim bail Application on the grounds of his wife's surgery scheduled for 01.02.2023 for removal of gall bladder stones which was granted *vide* order dated 30.01.2023 for a period of two weeks. The said interim bails were extended on subsequent occasions by the *Ld. Trial Court* and by this *Hon'ble Court*



till 12.04.2023 on the grounds of medical condition of Applicant's wife and daughter. It is submitted that the Applicant duly surrendered before Jail Superintendent on 12.04.2023 and during the period of interim bail the Applicant joined investigations on 11 occasions and in total has joined investigations 37 times from 06.09.2022 to 12.04.2023.

9. The Applicant submits that it was only in April 2023 that the health of the Applicant started deteriorating further for which he was referred to DDU Hospital and GB Pant Hospital from the Jail. It was only on due to the Applicant's health condition not improving that an Application dated 09.05.2023 was moved before the Ld. Trial court seeking Interim Bail on Medical Grounds which was granted *vide* Order dated 27.05.2023 with the liberty to get himself examined by doctor of his choice and it was also observed by Ld. Trial Court that receiving proper and best treatment is a fundamental right guaranteed by Article 21 of the Constitution of India. Subsequently, the Ld. Trial court clarified *vide* Order dated 30.05.2023 that the petitioner could avail treatment from any doctor or private hospital in Delhi/NCR.

10. The Applicant has submitted that he was admitted at *Medhabour Hospital, Gurugram Haryana*, since 30.05.2023 as he is suffering from several life threatening diseases such as Morbid Obesity, Complicated Diabetes, Metabolic Syndrome, Diabetic Peripheral Neuropathy, Fatty Liver Grade III with chronic liver disease, PIVD (*Prolapsed Intervertebral Disc*) and Coronary Heart Disease that cannot be effectively treated while he is in custody.

11. It is submitted that as per several medical experts at AIIMS, Max Hospital, Fortis Hospital, Medanta Hospital and Sri Ganga Ram Hospital



had advised the Applicant to undergo ‘*Bariatric Surgery*’ which was scheduled for 18.08.2023 owing to his chronic obesity. In view of his serious health condition and immediate need for ‘*Bariatric surgery*’, the Applicant moved the Ld. Trial Court seeking Bail on Medical Grounds which was rejected *vide* Order dated 11.08.2023. The Applicant submits that the Ld. Trial court erred in proceeding under the premise that the medical records of the Petitioner were manipulated without any basis or evidence.

12. The Applicant submits that he suffers from severe neurological and orthopaedic complications in his back, spine and knee (*ganglion cyst in left knee and Grade II Meniscus Tear*) thereby adversely impacting his basic physical movements in view of which he has been advised strict bed rest and advance physiotherapy routing along with constant monitoring.

13. The Applicant submits that an exception to the twin test is carved out under the proviso of Section 45(1) PMLA, 2002 which is as under:

“...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:....”

14. It is submitted that the Applicant is a ‘*sick*’ and ‘*infirm*’ individual and consequently entitled to be released on regular bail on medical grounds as validated by various medical documents and prescriptions of doctors from above-mentioned Hospitals. It is submitted that it is well settled question of law that twin conditions of Section 45 of PMLA, 2002 are not to be mandatorily satisfied if an accused seeks bail on medical grounds as Right to



live a healthy life is an intrinsic facet of fundamental rights Guaranteed by the Constitution of India. Reliance for the same is placed on Kewal Krishan Kumar v. Directorate of Enforcement Bail Appln. No. 3575/2002; Devki Nandan Garg v. Enforcement Directorate 2022 SCC OnLine Del 3086; P. Sarath Chandra Reddy v. Directorate of Enforcement 2023 SCC OnLine Del 2635; Sameer Mahandru v. Enforcement Directorate Bail Appln. 1343/2023 dated 12.06.2023 which was upheld by the Hon'ble Supreme Court in E.D. v. Sameer Mahandru SLP (Crl.) 7438/2023 vide Order dated 03.07.2023, Satyendra Jain v. Enforcement Directorate SLP (Crl.) No. 6561/2023 and Vijay Aggarwal v. Directorate of Enforcement Bail Appln. 1762/2022 dated 13.12.2022.

15. The Applicant further submits that the proviso flows from the *Statement of Objects and Reasons of PMLA, 2002*.

16. The Applicant is diagnosed with orthopaedic complications in the knee, spine (PVID) and back which has impacted his daily movements and rendered him infirm and incapable of performing basic duties. Reliance is placed on Sameer Mahandru (*supra*) where the Hon'ble Court while relying on Kewal Krishna Kumar (*supra*) held that infirmity takes place if the person is incapacitated in performing ordinary routine activity on a day to day basis. It is asserted that the Applicant squarely falls under this category. Further reliance is placed on Vijay Aggarwal (*supra*) wherein this Hon'ble Court held that a 'sick' and 'infirm' accused is entitled to adequate and effective medical treatment as Article 21 of the Constitution guarantees not only the fundamental Right to live a healthy life but also the Right to live with dignity.



17. The Applicant submits that he is *morbidly obese* and suffering from multiple serious ailments which requires constant monitoring, care and attention which is impossible in jail. Reliance is placed on *Pranjil Batra v. E.D.* CRM-M 23705 dated 04.11.2022 wherein the Hon'ble Punjab and Haryana High Court held that Obesity itself is a disease and becomes the root-cause of several other diseases, in such a case, the jail doctor or a civil hospital may not be fully equipped to hand patient having multiple ailments requiring a certain level of monitoring, care and attention.

18. Therefore, the Applicant has made the prayer that he may be granted bail in the ED Case.

19. ***The Reply has been filed on behalf of the Respondents***, wherein a preliminary objection has been take that the Applicant is not entitled to grant of bail as he has failed to satisfy the twin conditions as laid down under Section 45 PMLA, 2002 and does not fall under the proviso.

20. It is submitted that the Applicant while on interim bail violated the order of Hon'ble Special PMLA Court that directed him to get his surgery done in Max Saket Hospital whereas without any information to the Special Court he got admitted to Fortis Hospital, Gurugram wherein he underwent Laparoscopic Bariatric Surgery on 18.08.2023

21. The Respondent submits that it is evident from the summary of stay of accused since his arrest on 29.11.2022 that he has spent around 120 days in Jail and been outside prison on interim bail for the remaining 165 days, from which it is apparent that the Applicant has misused the liberty granted by Hon'ble Special Court for private treatment and therefore is not deserving of regular or interim bail. It is submitted that Hon'ble Special Court *vide* its Order dated 11.08.2023 observed that it got an impression from the



documents that the Applicant was trying to manipulate his medical condition in order to seek interim bail on medical grounds by falling in the category of 'sick' or 'infirm' persons as enshrined under proviso to Section 45(1), PMLA, 2002.

22. It is submitted by Respondent/ED that it is a settled principle of law that 'sickness' under the proviso to Section 45 of the PMLA can only be sickness that involves a risk or danger to life of the accused, it is asserted, that the Applicant does not suffer from such health risk. Reliance is placed on State v. Sardool Singh and Anr. 1975 SCC OnLine J&K 27 and Sridhar Vandayar & Anr. V. State 2000 SCC OnLine Mad 45.

23. The Respondent further submits that when a person is found to be stable he should not be enlarged on medical bail. In pursuance of this proposition the reliance is placed on Asha Ram v. State of Rajasthan SLP (Crl.) 6202/2016 Order dated 30.01.2017; Surjeet v. State (Govt. of NCT of Delhi) 2021 SCC OnLine Del 228; Karim Morani v. Central Bureau of Investigation 2011 SCC OnLine Del 2967; Rajkishor Sunnidhi Dash v. State of Maharashtra 2020 SCC OnLineBom 11261; Akhtar Parvez v. State of West Bengal 2022 SCC OnLine Cal 471; and Nasir Abdul Kadar Keval v. State of Maharashtra 2018 SCC OnLine 1562.

24. The Respondent/ED further submits that it is well settled by the Supreme Court of Indian in State v. Jaspal Singh Gill (1984) 3 SCC 555 that if medical treatment can be provided by prison authorities, bail on medical grounds should not be granted. Further, reliance is placed on State of U.P. v. Gayatri Prasad Prajapati 2020 SCC OnLine 843. It also submitted that various Courts across the country have held that ground of sickness for seeking bail is exception and should be exercised in a sparing and cautious



manner and unless it is demonstrated that if the accused is released then no proper treatment is possible. Reliance for the same is placed on Mahendra Manilal Shand etc. v. Rashmikant Mansukhai &Anr.(2009) SCC OnLineBom 2095; Fazal Nawaz Jung and Anr. V. State of Hyderabad (1951) SCC OnLine Hyd 60; State v. Gadadhar Baral (1988) SCC OnLine Ori 281; Pawan Alias Tamatar v. Ram Prakash Pandey and Anr. (2002) 9 SCC 166; and Surinder Kairam & Anr. V. State (2002) SCC OnLine Del 920.

25. It is submitted that the Applicant is directly involved in generating proceeds of crime and bribing Government Officials of Delhi Excise Department to the tune of Rs. 1.1 Crore for processing of wholesale license of *M/s KSJM Spirits LLP* and for inspection and opening of retail shops of Popular Spirits. Further, the Applicant in conspiracy with other co-accused collected Rs. 2.5 Cr from the *Gautam Wines (LI)* in exchange of 6% kickback which was to be collected from the wholesalers. Therefore, the applicant is involved in acquisition, possession and transfer of the proceeds of crime of Rs. 2.5 cr.

26. The Respondent submits that the Applicant was a beneficiary of profits generated from *KSJM Spirits LLP* to the tune of Rs. 3.65 Crore and has also received Rs. 4.54 Crore from Buddy T1-D Retail Pvt. Ltd. from its business operations. It submitted that the accused has carried out transfer, use, concealment of proceeds of Crime worth Rs. 7.11 Crore by showing it as a loan even though it is apparent that the loan is an instrument to conspire and form cartels.

27. It is submitted that the Applicant effectively controlled *M/s KSJM Spirits LLP*, *M/s Buddy Retail (T1) Pvt. Ltd.* and *M/s Popular Spirits LLP* by



controlling the majority stake and by appointing dummy directors and proxies to represent his interest and has infused Rs. 7.1 Cr in *M/s Popular Spirits* making him a beneficial owner of these entities as defined under Section 2(1)(fa) of PMLA, 2002. Additionally, it is submitted that under Section 70(1) of the PMLA, 2002 it is stipulated that in cases where a company is responsible for the offence of money laundering then every person who at the time of commission was responsible for the conduct of the business.

28. *Lastly*, it was submitted that the conduct of the accused is questionable as she has destroyed/changed/used his mobile phones around 11 times in a time span of one year and the Applicant has not provided the respondent with the phone used during the span of the whole scam by claiming that the same has been changed/destroyed.

29. It is submitted that there exists a reasonable apprehension of crucial evidence being destroyed if the Applicant is enlarged on bail. He is involved in the commission of grave economic offences and there is ample evidence on record to link him with the commission of offence of money laundering and his release on bail is not warranted. Even otherwise, the likelihood of the Applicant of evading the process of law if enlarged on bail cannot be ruled out. While personal liberty is of paramount importance, the same is not absolute but subject to reasonable restrictions, including the interest of the State and public. Reliance has been placed on behalf of the respondent on the decisions in *Vijay Madanlal Choudhary & Ors. vs. Union of India & Ors.*, 2022 SCC OnLine SC 929, *State of Kerala vs. Rajesh*, (2020) 12 SCC 122 and *Rohit Tandon vs. Directorate of Enforcement*, (2018) 11 SCC 46.



30. ***Learned Senior Advocate on behalf of the Applicant has argued in detail and has also filed brief Written Submissions*** wherein it is submitted that Investigation qua him stands complete *vide* Prosecution Complaint filed on 06.01.2023. He has not been arrested in the CBI case as the CBI Chargesheet stands filed on 24.11.2022. Further, in the ED case the 1st Prosecution Complaint was filed on 26.11.2022 and 8 Supplementary Prosecution Complaints have been filed. In the ED case, 40 individuals have been arrayed as accused and documents run into approximately 33,000 pages. It is further, submitted that both the CBI and ED cases are at the stage of 207/208 Cr.P.C. and the trial is delayed and bound to take a long time. Further reliance has been placed on *Manish Sisodia v. ED* SLP (Crl.) No. 8781/2024; *K. Kavitha v. ED* SLP (Crl.) No. 3205/2024; *Ram Kripal Meena v. ED* SLP (Crl.) No. 3205/2024 Order dated 30.07.2024; *Benoy Baby v. ED* 2023 SCC OnLine SC 1881; and *Prem Prakash v. Union of India* SLP (Crl.) No. 5416/2024.

31. It is lastly, submitted that the Applicant being 'sick' and 'infirm' not only satisfies the proviso under Section 45(1) of PMLA, 2002 but also satisfies the triple test.

32. Therefore, it is submitted that the Applicant is entitled to bail.

33. ***Learned Special Counsel on behalf of the respondent*** has vehemently opposed the present application. The arguments addressed on behalf of the respondent are essentially on the same lines as contained in its Reply.

34. The respondent has re-emphasized that since his arrest the Applicant has only spent 131 days in prison out of the total 636 days and for the remaining 505 days he has been outside prison admitted in the hospital



under judicial custody which gives an impression that the Applicant is trying to manipulate his medical condition to bring his case in the category of 'sick' or 'infirm' as per the proviso to Section 45(1) PMLA 2002, as pointed out by the Hon'ble Special Court in Order dated 11.08.2023.

35. It is reiterated that the Applicant was deeply involved in the conspiracy and has played an active role in acquisition, possession and transfer of Proceeds of Crime through various entities as their beneficial owner.

36. It is submitted that the detailed transactions have been recorded in the ED Case regarding handling of proceeds of crime by the Applicant.

37. Furthermore, the offence of money laundering is an independent offence and grant of bail in predicate offence has no bearing to the present proceeding.

38. Reliance has been placed on behalf of the respondent on the decisions in Vijay Madanlal Choudhary, (supra), Pavana Dibbur vs. Enforcement Directorate, 2023 SCC OnLine SC 1586, ED vs. Aditya Tripathi, decided vide Criminal Appeal No. 1401/2023 by the Apex Court on 12.05.2023, P. Rajendran vs. Directorate of Enforcement, decided vide Criminal Original Petition No. 19880/2023 by the Madras High Court on 14.09.2022, J. Sekar vs. Union of India &Ors., 2018 SCC OnLine Del 6253, Radha Mohan Lakhotia vs. Directorate of Enforcement, 2010 SCC OnLine Bom 1116 and Dr. Manik Bhattacharaya vs. Ramesh Malik &Ors., decided vide SLP (C) 16325/2022.

39. In the end, it is argued that the delay cannot be the sole ground to grant bail even after the Court is of the view that the person is guilty of the offence of money laundering.



40. The Ld. Special Counsel contends that Bail pleas on the ground of delay have been rejected by the Hon'ble Supreme Court in Satyender Kumar Jain (supra) and Tarun Kumar v. Directorate of Enforcement SLP (Crl.) 9431/2023. Additionally, it is contended that in Serious economic offences delay cannot be the only ground to grant bail, reliance is placed on judgement of the Apex court in State of Bihar & Anr. v. Amit Kumar (2017) 13 SCC 751 and judgement of Coordinate Bench of this Hon'ble Court in Religare Finvest Ltd. v. State of NCT of Delhi & Anr.

41. In light of the above contentions, the present Bail Application is liable to be dismissed on all grounds.

42. **Submissions heard and record as well as judgments perused.**

43. It is admitted by the parties that the CBI case was registered on 17.08.2022 under Section 120B of the Indian Penal Code, 1860 read with Sections 7/7A/8 of Prevention of Corruption Act, 1988 at Police Station CBI, ACB, New Delhi against Manish Sisodia and 14 others, wherein the Applicant was not named as an accused and the Chargesheet in the CBI case (predicate offence) was filed without the arrest of the Applicant.

44. Further, the ED case was registered after five days of registration of the CBI case on 22.08.2022 on wherein the Applicant was arrayed as Accused No. 9 on the allegation that he was actively involved in the conspiracy relating to the Delhi Excise Policy 2021-22 and was also actively involved in acquisition, possession and transfer of Proceeds of Crime as a beneficial owner of various entities.

45. It is pertinent to observe that the prosecution complaint has already been filed against the Applicant in which he has been summoned.



46. The Applicant has not retracted any statements till date and was the first accused to complete inspection of unrelayed documents suggesting that his conduct has been cooperative in the investigation.

47. The investigations *qua* the Applicant are complete in the present matter.

48. Pertinently, the Applicant has already undergone *Bariatric Surgery* on 18.08.2023 following which he remained he has received post-operative care firstly from Fortis Hospital and subsequently at RML Hospital, Delhi. However, he is morbidly obese and as per his medical records it is apparent that he suffers from several serious illnesses such as Chronic Liver Disease (CLD), Diabetic Kidney Disease (DKD), Coronary Heart Disease (CHD), Uncontrolled HTN (Hypertension) and Type 2 Diabetes Mellites (T2DM). Most recently, this Court *vide* Order dated 20.08.2024 had granted interim bail to the Applicant on account of precarious medical condition.

49. Moreover, the Applicant is a Well-established businessman based in New Delhi renowned for his pioneering work in Airport Retail and Food & Beverages (F&B) with an Engineering degree from Delhi College of Engineering and MBA from IIM Bangalore. The Applicant owns various acclaimed restaurants across prominent airports in Delhi, Mumbai, Kolkata and Chennai demonstrating his prominence in the industry. The Applicant has held significant positions in various organisations such as Infosys, J&J, GM, Reliance Retail, Merrill Lynch, and Halliburton. The Applicant has been conducting business operation since 2009 and employs 500 people. The Applicant has deep roots in the society and is not a flight risk and has business and professions which are based in India and he is not likely to abscond from the country.



50. It is admitted that the Applicant has been behind bars since 29.11.2022, there are around 69,000 pages of documents involved in both CBI and ED matters. Moreover, there are 493 witnesses, who have to be examined on behalf of the prosecution. In the same case, the other accused persons, namely, *Manish Sisodia, K.Kavitha, Vijay Nair, Sameer Mahendru, Abishek Boinpally* have already been admitted to bail in similar circumstances.

51. In the case of *Manish Sisodia v. Directorate of Enforcement* 2024 INSC 595 the Hon'ble Supreme Court observed that prolonged incarceration before being pronounced guilty of an offence should not be permitted to become punishment without trial. It was further observed that fundamental right of liberty provided under Article 21 of the Constitution is superior to statutory restrictions and reiterated the principle that "*bail is the rule and refusal is an exception*". The same has been reiterated by the Apex Court in while granting bail to similarly placed accused under PMLA, 2002 in *Kalvakuntla Kavitha v. Directorate of Enforcement* 2024 INSC 632 and *Vijay Nair v. Directorate of Enforcement* in SLP (Crl.) No. 22137/2024 *vide* order dated 02.09.2024.

52. In *Prem Prakash* (supra) the Apex Court has held that the fundamental right enshrined under Article 21 cannot be arbitrarily subjugated to the statutory bar in Section 45 of PMLA, 2002 which has been reiterated by the Apex Court while granting bail under the PMLA 2002 in *Vijay Nair* (supra).

53. Insofar as the role of the Applicant in the present case is concerned, he stands on a better footing that the other co-accused, who have been recently granted bail.



54. The Apex Court in Manish Sisodia (supra) reiterated observation in Gudikanti Narasimhulu v. Public Prosecutor, High Court of A.P. (1978) 1 SCC 240 that the objective to keep a person in judicial custody pending trial or disposal of an appeal is to secure their attendance at trial.

55. ***In the present case***, the Applicant is having deep roots in the society. There is no possibility of him fleeing away from the country and not being available for facing trial. Regardless, conditions can be imposed to ensure the Applicant's attendance to face the trial.

56. As noted in Manish Sisodia (supra) there is no possibility of tampering of evidence by the Applicant if the Applicant is granted bail as the case is primarily dependent on documentary evidence which is already seized by the prosecution. Similarly, the apprehension regarding influencing witnesses and that of being a flight risk can be diffused by imposing stringent conditions while granting bail. Therefore, the conditions of triple test are duly satisfied by the Applicant.

57. Considering the above, the Applicant is admitted to bail, on the following terms and conditions: -

- a. The Applicant is directed to be released *forthwith* on bail in connection with the ECIR No. ECIR/HIU-II/14/2022 dated 22.08.2022, registered by the Directorate of Enforcement, subject to furnishing a bail bond in the sum of Rs.10,00,000/- with two sureties of the like amount; to the satisfaction of the learned Special Judge/Trial Court.
- b. The Applicant shall appear before the Court as and when the matter is taken up for hearing.



- c. The Applicant shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number, without prior intimate to the Investigating Officer concerned.
 - d. The Applicant shall not change his residential address and in case of change of the residential address, the same shall be intimated to this Court, by way of affidavit.
 - e. The Applicant shall surrender his passport with the learned Special Court;
 - f. The Applicant shall report to the Investigating Officer on every Monday and Thursday between 10:00 to 11:00 AM;
 - g. The Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.
 - h. The Applicant shall not leave the country, without permission of this Court.
 - i. The Applicant shall not make any attempt to tamper with the evidence or influence the witnesses;
58. Any observation made herein is without prejudice to the trial.
59. The petition along with pending application is disposed of.
60. The copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court.

**(NEENA BANSAL KRISHNA)
JUDGE**

SEPTEMBER 17, 2024