

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. _____ OF 2026
(@ SLP(CRL.) No. 13532/2026)**

DIRECTORATE OF ENFORCEMENT

APPELLANT(S)

VERSUS

BHUPESH ARORA

RESPONDENT(S)

WITH

**CRIMINAL APPEAL NO. _____ OF 2026
(@ SLP(CrI) No. 16623/2026)**

O R D E R

1. Leave granted.
2. We have heard the learned Additional Solicitor General appearing for the Directorate of Enforcement and the learned senior counsel appearing for the respective accused persons.
3. SLP(CRL.) No. 13532/2026 has been filed by the appellant - Directorate of Enforcement against the bail granted by the

High Court to the respondent - Bhupesh Arora vide order dated 23.02.2026 and SLP(CRL.) No. 16623/2026 has been filed by the appellant/accused - Rohit Vij seeking grant of bail in connection with ECIR/HYZO/46/2022 dated 14.10.2022 under the provisions of the Prevention of Money Laundering Act, 2002 (for short, the 'PMLA').

4. The sum and substance of the prosecution's case qua the respondent - Bhupesh Arora in SLP(CRL.) No. 13532/2026 and the appellant - Rohit Vij in SLP(CRL.) No.16623/2026 is as under:-

"First, The public invested in the 'LOXAM' app in the belief that it belonged to a French multinational. Their money reached a virtual account held by M/s Xindai Technologies Pvt. Ltd.

Second, Xindai spread the money across its 29 virtual accounts. Three parallel shells, namely Betench, Xitamin and Skhalita, did the same with their collections. From there the money passed into 38 physical accounts (which also included the IndusInd Bank operated directly by Sh. Bhupesh Arora) and then into about 35 mule accounts.

Third, the mule accounts remitted the money by RTGS to M/s Ranjan Moneycorp Pvt. Ltd. and M/s KDS Forex Pvt. Ltd. These two are the only

RBI-licensed entities in the chain, and the licence is what let the tainted money enter a regulated channel [Note: this was the stage at which Rohit Vij had facilitated the layering of the POC]. The funds were further layered through the other shell entities which were controlled by Sh. Bhupesh Arora.

Fourth, Sh. Rohit Vij turned the RTGS credits into Dollars and Dirhams by buying currency from other money changers. He kept 0.3 to 0.7 per cent as commission, and his two companies withdrew about Rs. 75 crore in cash. Once the money became foreign currency in cash, the trail ended.

Fifth, the petitioner handed the currency to Sahil Bajaj, Pankaj Wadhwa and Anurag Aggarwal against a token, namely the serial number of a currency note. They carried it to Dubai and China through hawala operators and cryptocurrency.

In short, the victim's money entered the chain as a bank credit and left the country as cash dollars."

5. Placing reliance upon the aforesaid, the learned Additional Solicitor General appearing for the Directorate of Enforcement firstly submits that both the accused persons are a flight risk. The accused - Bhupesh Arora is the mastermind and in

control of the said entities, with the same IP being used for all the companies. The role of the accused - Rohit Vij comes thereafter. Apart from the huge sum of transactions involved, as indicated in the scheme of layering, it is a case of money being transferred out of the country to various other countries.

6. It is further submitted that the High Court has committed an error in placing reliance on the quashing of a single FIR, that too on a compromise, and, thereafter, holding that the accused - Bhupesh Arora cannot be proceeded with in the predicate offence. It is also submitted that the High Court was right in declining the bail insofar as the accused - Rohit Vij is concerned, particularly, when the investigation is not completed, and the proceeds of crime involved might be much more than the amount indicated in the prosecution complaint totaling to more than Rs.2000 crores. It is reiterated that the conduct of both the accused persons does not facilitate granting them bail, as they are a flight risk and, in fact, have made attempts to flee the country.
7. Learned Senior counsel appearing for the accused - Bhupesh Arora and the accused - Rohit Vij would submit that there is no specific material to implicate them. The Red Corner Notice issued against accused - Bhupesh Arora has been quashed. In the predicate offence also, accused - Bhupesh Arora was not

made an accused. Inasmuch as the prosecution complaint has already been filed, there is no need for any interference with the impugned order granting bail to accused - Bhupesh Arora in SLP(Crl.) No.13532/2026.

8. Insofar as accused - Rohit Vij is concerned, it is submitted that he has been under incarceration for about 15 months. And, in view of the more serious role allegedly played by accused - Bhupesh Arora, who has already been granted bail by the High Court, SLP(Crl.) No.16623/2026 filed by accused - Rohit Vij seeking bail ought to be allowed by setting aside the impugned judgment.
9. Having heard the learned ASG and the learned Senior Counsel appearing for the respective parties, the following are our findings.
10. The predicate offence has been quashed on a compromise, which factum is not in dispute. There are numerous other FIRs that have been filed. What is relevant is the existence of proceeds of crime. In our considered view, the High Court in SLP(Crl.) No.13532/2026 was not correct in dealing with the factual issues, apart from taking note of the FIR(s) quashed by compromise. Mere quashing of an FIR, by a compromise *per se*, will not obliterate the existence of the proceeds of crime. In other words, the Court must be concerned only with the crime that creates proceeds for the subsequent action of money

laundering that is punishable under the mandate of the PMLA.

11. Having gone through the allegations made, which are quite serious, we are of the considered view that further investigation is certainly required, as the extent of money laundering is likely to span across the country. The amount stated to be involved is also very huge. Suffice it to state that the High Court ought not to have granted bail to accused - Bhupesh Arora, taking note of the facts governing, especially when the said accused has entered the country during the currency of a Red Corner Notice which is stated to have been quashed on a technical plea. Hence, we are inclined to set aside the bail granted to accused - Bhupesh Arora.
12. We are also not inclined to grant bail to the appellant - Rohit Vij in SLP(Crl.) No.16623/2026, especially when the investigation has not yet been completed, and the nature of allegations do not warrant the grant of bail. Certainly, the rigour of Section 45 of the PMLA has to be pressed into service for both the accused persons.
13. Thus, taking into consideration the facts governing, we set aside the impugned order in SLP(Crl.) No.13532/2026 and uphold the impugned order in SLP(Crl.) No.16623/2026. However, by taking note of the submissions made, on instructions, by the learned ASG, we expect the investigation to be completed by the Directorate of Enforcement within a period of five months

from the date of receipt of a copy of this order. Thereafter, liberty is given to the respondent/accused - Bhupesh Arora in SLP(Crl.) No.13532/2026 and appellant/accused - Rohit Vij in SLP(Crl.) No.16623/2026 to file a fresh bail application before the concerned Special Court seeking regular bail, in which case, the impugned order and the order passed by this Court will not stand in their way.

14. The respondent/accused - Bhupesh Arora in SLP(Crl.) No.13532/2026 is granted two weeks time to surrender from the date of receipt of a copy of this order.
15. The accused - Bhupesh Arora shall show his current location at all times to the Directorate of Enforcement, and we make it clear that he is not to be arrested till the expiry of the time granted for his surrender. Additionally, a condition is imposed on him to the effect that he shall not leave the country till the expiry of the time granted for his surrender.
16. In such view of the matter, the appeal arising out of SLP(Crl.) No.13532/2026 stands allowed and the appeal arising out of SLP(Crl.) No.16623/2026 stands dismissed.

17. Pending application(s), if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[PRASANNA B. VARALE]

NEW DELHI;
29th SEPTEMBER, 2026

ITEM NO.1

COURT NO.3

SECTION II-D

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). 13532/2026

[Arising out of impugned final judgment and order dated 23-02-2026 in BA No. 4035/2025 passed by the High Court of Delhi at New Delhi]

DIRECTORATE OF ENFORCEMENT

Petitioner(s)

VERSUS

BHUPESH ARORA

Respondent(s)

FOR ADMISSION

IA No. 267382/2026 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

WITH

SLP(Crl) No. 16623/2026 (II-D)

Date : 29-09-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) Mr. Siddharth Aggarwal, Sr. Adv.
Mr. Ashish Batra, AOR
Mr. Shadman Ahmed Siddiqui, Adv.
Mr. Daksh Gupta, Adv.
Mr. Jatin Yadav, Adv.
Mr. Japman Singh, Adv.
Mr. Sidhant Saraswat, Adv.
Mr. Vedant Pathak, Adv.

Mr. Anil Kaushik, A.S.G.
Mr. Zoheb Hussain, Sr. Adv. (not present)
Mr. Arkaj Kumar, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Animesh Upadhyay, Adv.
Mr. Vivek Gurnani, Adv.
Mr. Arvind Kumar Sharma, AOR
Mr. Dr. Arun Kumar Yadav, Adv.
Ms. Deepika Gahlot, Adv.
Ms. Anushka Gupta, Adv.

For Respondent(s) Mr. Arvind Kumar Sharma, AOR

Ms. Mukta Gupta, Sr. Adv.
Mr. Hemant Shah, Adv.
Mr. Nitin Saluja, AOR
Ms. Nitya Gupta, Adv.
Mr. B Vittal, Adv.
Ms. Kavya Arora, Adv.
Ms. Vasudha Singh, Adv.
Mr. Vishal Mann, Adv.
Mr. Saurabh Pal, Adv.
Mr. Akshay Rana, Adv.

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

Leave granted.

The appeal arising out of SLP(Crl.) No.13532/2026 stands allowed and the appeal arising out of SLP(Crl.) No.16623/2026 stands dismissed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)
ASTT. REGISTRAR-cum-PS

(Signed order is placed on the file)

(POONAM VAID)
ASSISTANT REGISTRAR