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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 3595/2022, CRL.M.A. 25129/2022, CRL.M.A.
23307/2023

GURUPADA MAJI

..... Petitioner

Through: Mr.N.Hariharan, Sr.Adv, with
Mr.Sumer Singh Boparai, Mr.Sidhant
Saraswat, Mr.Sidharth Yadav and
Mr.Akshay Jain, advts.

versus

ENFORCEMENT DIRECTORATE

..... Respondent

Through: Mr.Anupam S. Sharrma, Special
Counsel for ED with Mr.Prakarsh
Airan, Ms.Harpreet Kalsi,
Mr.Ripudaman Sharma, Mr.Abhishek
Batra and Mr.Vashisht Rao, Advts
with Mr.Pankaj Kumar, AD/ED and
Mr.Pramod Kumar, DD/ED

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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05.09.2023

CRL.M.A. 23307/2023 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

Crl.M.(bail) 1217/2023 (for interim-Bail)

The present application has been moved under section 439 of the Code of Criminal Procedure, 1908 read with sections 46 (1) and 65 of the PMLA, 2002 on behalf of the applicant seeking interim bail for performing



the *annual shraddha* and rituals of the deceased mother of the applicant.

The reply on behalf of the respondent has been filed.

The Learned counsel for the ED submitted that the fact that the mother of the applicant expired on 16.08.2022 is not in dispute, however, Ld. Counsel raised an apprehension that if the applicant is released on bail, he may make any inducement, threat, or promise to the persons acquainted with the facts of the case and may tamper with the evidence. It has also been submitted by the Ld. Counsel that even during the investigation, certain members of the family did not turn up for the purpose of the investigation as the applicant exercises influence and control over them.

Sh. N. Hariharan, learned senior counsel appearing for the applicant has denied these allegations and submits that the performance of these rites are necessary for religious purpose and are considered unavoidable in Bengali tradition.

Mr. Anurag S. Sharrma, learned special counsel for ED has further submitted that even earlier the applicant was granted custody parole to visit his native village accompanied by police officials in plain clothes from 25.08.2022 till 03.09.2022, which was further extended till 08.09.2022. Learned special counsel submits that this time also the applicant may go for the performance of all rituals in custody parole.

Taking into account the fact that the applicant has to visit his native village for the purpose of religious rites, he is admitted to interim bail for 10 days from the day of his release on furnishing a personal bond in the sum of Rs.50,000/- with two sureties of the like amount subject to the satisfaction of the trial court, and subject to the following conditions:

- (i) that the petitioner shall report to the local SHO, Village Balitora,



P.O. Madhukunda, P.S. Saturi Dist. Purulia, West Bengal, Pin Code-723121 at 5 p.m. every day.

- (ii) the petitioner shall also report daily to the Investigation officer of the ED through a video call at around 4 p.m.
- (iii) the appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iv) the appellant shall provide his mobile number(s) to the Investigating Officer and keep it operational at all times;
- (v) the petitioner shall also not leave his native place i.e. Village Balitora, P.O. Madhukunda, P.S. Saturi Dist. Purulia, West Bengal, Pin Code-723121 during the period of these 10 days.

With the above said directions, the present application stands disposed of.

Copy of the order be sent to the concerned Jail Superintendent for information and necessary compliance.

BAIL APPLN. 3595/2022, CRL.M.A. 25129/2022

List on 21.11.2023.

DINESH KUMAR SHARMA, J

SEPTEMBER 5, 2023

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