

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION



CRIMINAL APPEAL NO.3392 OF 2024
(ARISING OUT OF S.L.P. (CRIMINAL) NO.6905/2024)

BHAGWAN BHAGAT

APPELLANT(S)

VERSUS

DIRECTORATE OF ENFORCEMENT & ANR.

RESPONDENT(S)

WITH

CRIMINAL APPEAL NO.3393 OF 2024
(ARISING OUT OF S.L.P. (CRIMINAL) NO. 9066/2024)

O R D E R

Heard the learned counsel appearing for the parties.

Leave granted.

The present appellants have been shown as accused in two successive complaints filed by the Directorate of Enforcement alleging commission of offences under the Prevention of Money-laundering Act, 2002 (for short, "the PMLA").

We have perused both the complaints. In paragraph 1 of the first complaint, under the heading 'FIR No./Complaint No. or Police Report/Nature of Schedule Offences', five First Information Reports have been referred. We find that even in the second complaint in paragraph 1, four out of five First Information Reports referred in paragraph 1 of the first complaint, have been incorporated.

After having perused both the complaints, *prima facie*, we find that the connection between these First Information Reports pleaded in paragraph 1 of the first and the second complaints and the alleged proceeds of crime has not been pleaded. In the first complaint, in paragraph 3.4 there is a reference to several

offences registered at different places. However, we find that there is no *prima facie* material to show that the offences pleaded, directly or indirectly, generated proceeds of crime in the form of money or illegally mined minerals.

There are, no doubt, allegations of large scale illegal mining against the accused, but that is not sufficient. *Prima facie*, there must be factual assertions in the complaints to show that the offences which are named as scheduled offences on the basis of which complaints are filed, directly or indirectly, generated proceeds of crime. We may also note that the first offence mentioned in both the complaints is not a predicate offence at all, as apart from Section 120B of the Indian Penal Code, 1860, no other scheduled offence is mentioned in the First Information Report.

On a plain reading of these two complaints, *prima facie*, we are satisfied that there are reasonable grounds for believing that the complaints do not indicate that the appellants are guilty of offence of money-laundering. We may also note here that nothing is pleaded to show that the appellants are involved in any other offence of money-laundering under the PMLA. Allegation of tampering with the evidence have not been made. Both the appellants have undergone incarceration for a period of about 01 year approximately.

Therefore, a case is made out for enlarging the appellants on bail. For that purpose, we direct that the appellants shall be produced before the Special Court under the PMLA within a maximum period of one week from today. The Special Court shall enlarge the appellants on bail on appropriate terms and conditions.

We make it clear that the observations made in this order are limited to the appellants and the same are only for the purposes of considering the prayer for bail. Nothing stated in this order shall be construed to mean any finding on merits of the predicate offences and the offences under the PMLA

The Appeals are, accordingly, allowed.

.....J.
(ABHAY S. OKA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
AUGUST 12, 2024.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSPetition(s) for Special Leave to Appeal (Crl.) No(s). 6905/2024

(Arising out of impugned final judgment and order dated 12-04-2024 in BA No. 10255/2023 passed by the High Court of Jharkhand at Ranchi)

BHAGWAN BHAGAT

Petitioner(s)

VERSUS

DIRECTORATE OF ENFORCEMENT & ANR.

Respondent(s)

WITH

SLP(Crl) No. 9066/2024 (II-A)

(IA No. 154183/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 12-08-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. Parmod Kumar Dubey, Sr. Adv.
Ms. Sonam Gupta, AOR
Mr. Kaushik Moitra, Adv.
Mr. Shiva Pande, Adv.
Ms. Pinky Dubey, Adv.
Ms. Amrita Vatsa, Adv.
Mr. Prince Kumar, Adv.
Mr. Aayush Sachan, Adv.
Ms. Muskan Sharma, Adv.
Mr. Saumay Kapoor, Adv.

Mr. Siddharth Aggarwal, Sr. Adv.
Mr. Vaibhav Srivastava, Adv.
Mr. Sabyasachi, Adv.
Mr. Rakesh Kumar, Adv.
Ms. Sugandha Anand, AOR
Ms. Vineeta Tiwari, Adv.
Ms. Rajnandani, Adv.
Mr. Satyajeeet, Adv.

For Respondent(s) Mr. Zoheb Hussain, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Mrigank Pathak, Adv.

Ms. Aakriti Mishra, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Vishnu Sharma, Standing Counsel, Adv.
Ms. Madhusmita Bora, AOR
Mr. Shiv Ram Sharma, Adv.
Mr. Riju Raj Singh Jamwal, Adv.
Mr. Dipankar Singh, Adv.
Mrs. Anupama Sharma, Adv.

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

Leave granted.

The Appeals are allowed in terms of the signed order. The operative portion of the order reads thus:

"Therefore, a case is made out for enlarging the appellants on bail. For that purpose, we direct that the appellants shall be produced before the Special Court under the PMLA within a maximum period of one week from today. The Special Court shall enlarge the appellants on bail on appropriate terms and conditions.

We make it clear that the observations made in this order are limited to the appellants and the same are only for the purposes of considering the prayer for bail. Nothing stated in this order shall be construed to mean any finding on merits of the predicate offences and the offences under the PMLA

The Appeals are, accordingly, allowed."

Pending application stands disposed of accordingly.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]