



ITEM NO.1

COURT NO.1

SECTION II-A

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).11376/2024

(Arising out of impugned final judgment and order dated 09-08-2024 in BA No. 1524/2024 passed by the High Court of Judicature at Bombay)

AMAR SADHURAM MULCHANDANI

Petitioner(s)

VERSUS

DIRECTORATE OF ENFORCEMENT & ANR.

Respondent(s)

(WITH IA No. 186476/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 14-10-2024 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Siddhartha Dave, Sr. Adv.  
Mr. Sudhanshu Choudhari, Sr. Adv.  
Mr. Shantanu Phanse, Adv.  
Mr. Sudhanva Bedekar, Adv.  
Ms. Vidhi Pankaj Thaker, Adv.  
Ms. Kalyani Bhide, Adv.  
Ms. Gautami Yadav, Adv.  
Mr. Prastut Mahesh Dalvi, AOR

For Respondent(s) Mr. Annam Venkatesh, Adv.  
Mr. Zoheb Hossain, Adv.  
Mr. Samrat Goswami, Adv.  
Mr. Chandra Prakash, Adv.  
Mr. Arvind Kumar Sharma, AOR  
Ms. Aakriti Mishra, Adv.  
Mr. Sai Manik Sud, Adv.

Mr. ANS Nadkarni, Sr. Adv.  
Mr. Prashant Kenjale, Adv.  
Mr. Naresh Shamnani, Adv.

**Mr. Minal Chandnani, Adv.  
M/S. Juritrust Law Offices, AOR**

**Mr. Nitin Lonkar, Adv.  
Mr. Siddharth Dharmadhikari, Adv.  
Mr. Aaditya Aniruddha Pande, AOR**

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

- 1 We have heard Mr Mukul Rohatgi, senior counsel appearing on behalf of the petitioner, Mr Annam Venkatesh, counsel appearing on behalf of the Directorate of Enforcement and Mr A N S Nadkarni, senior counsel appearing on behalf of the first informant.
- 2 The petitioner was arrested on 1 July 2023 in connection with FIR No ECIR/MBZO-II/10/2021 dated 31 March 2021 lodged by the Directorate of Enforcement for alleged offences punishable under Section 45(1) of the Prevention of Money Laundering Act 2002<sup>1</sup> on the basis of a predicate offence bearing CR No 163 of 2018 registered at Vimantal Police Station, Pune.
- 3 The petitioner moved a second application for grant of bail on medical grounds. The application was dismissed by the impugned judgment and order of the High Court of Judicature at Bombay dated 9 August 2024.
- 4 Notice was issued in these proceedings on 2 September 2024.
- 5 On 4 October 2024, a direction was issued for a fresh medical evaluation of the petitioner by a team at the J J Hospital, Mumbai. A report dated 10 October 2024 has been submitted by the Medical Board of Sir J J Group of Hospitals, Mumbai.

1 “PMLA”

6 The petitioner was evaluated by four expert specialists from Sir J J Group of Hospitals consisting of the following doctors:

- 1) Dr Kamlesh Jagiasi, Professor and Head, Chairman  
Department of Neurology
- 2) Dr Kalyan Munde, Professor and Head, Member  
Department of Cardiology
- 3) Dr Geeta Sheth, Professor and Head, Member  
Department of Nephrology
- 4) Dr Sujata Chahande, Professor and Head, Member  
Department of Ophthalmology

7 The report of the medical team is in the following terms:

“Neurology Opinion:

Mr Amar Saduram, Mulchandani has bilateral limb weakness, paresthesias because of diabetic neuropathy because of which he needs to take Diabetes medicine regularly, undergo physiotherapy daily. He needs assistance for his activities of daily living.

Cardiology Opinion:

Mr Amar Saduram Mulchandani is known case of diabetes, hypertension, chronic kidney disease, Ischemic heart disease. Patient was last seen from Dept. of Cardiology in April 2024 and was advised coronary angiography but had not given consent for same. At present, there is worsening of cardiac function as compared to previous reports. Also patient has dyspnea on exertion.

From cardiac point of view patient needs cardiac evaluation in the form of coronary angiography and also repeat holter monitoring in view of ECG changes with symptoms of dizziness. Detailed notes of patient's today's examination (10.10.2024), ECG and Echo reports are attached with these papers.

#### Nephrology Opinion:

Mr Amar Saduram Mulchandani has chronic kidney disease stage IV, GFR 18.5 ml/minute, with uncontrolled blood sugars. This is a progressive condition which can worsen if blood sugars remain uncontrolled. Patient is advised strict glycemic control, renal diet and regular medication.

#### Ophthalmology Opinion

Mr Amar Saduram Mulchandani has proliferative diabetic retinopathy in both eyes due to long standing Diabetes Mellitus. Because of this, his vision in right eye is finger counting at 1 meter and in left eye is 6/18. This is same over an year.

For right eye there is nil active management and for left eye he is advised intravitreal Anti-VEGF injection. He has received Medicine fitness for the same on 08.10.24. Hence, patient is posted for left eye Anti-VEGF injection, tentatively on 14.10.24. Patient is advised to come alongwith Prison's RMO permission letter and fresh FBS, PPBS reports. This is a daycare procedure. Patient is on eyedrop Betaxolol twice a day in right eye and eyedrop Nepafenac three times a day in left eye.

As per the committee, the patient has severe Diabetic neuropathy with chronic kidney disease stage IV with uncontrolled blood sugars with ischemic heart disease with proliferative diabetic retinopathy. He should take his medications regularly. He requires assistance for his activities of daily living and he should follow up regularly with Neurology, Nephrology, Cardiology, Ophthalmology, Physiotherapy and General Physician for his ailments regularly."

- 8 The proviso to Section 45(1) of PMLA specifically contemplates that a person who "is sick or infirm" may be released on bail if the Special Court so directs.
- 9 The petitioner is 67 years old and has spent nearly a year and three months in custody. Based on the medical evaluation which has been provided by the Medical Team at Sir J J Group of Hospitals, Mumbai, it is evident that the

petitioner fulfills the threshold required for being enlarged on bail.

10 In the above circumstances, we direct that the petitioner be released on interim bail subject to such terms and conditions as may be imposed by the Special Court in connection with ECIR/MBZO-II/10/2021.

11 The Special Leave Petition is disposed of.

12 Pending application, if any, stands disposed of.

**(SANJAY KUMAR-I)**  
**ADDITIONAL REGISTRAR**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**