



ITEM NO.2

COURT NO.4

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s).3205/2024

(Arising out of impugned final judgment and order dated 16-02-2024 in SBCRMBA No.12723/2023 passed by the High Court of Judicature for Rajasthan at Jaipur)

RAMKRIPAL MEENA

Petitioner(s)

VERSUS

DIRECTORATE OF ENFORCEMENT

Respondent(s)

(IA No.56416/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.56417/2024-EXEMPTION FROM FILING O.T.
IA No.56416/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No.56417/2024 - EXEMPTION FROM FILING O.T.)

Date : 30-07-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Parameshwar K, Adv.
Mr. Pankaj Singhal, Adv.
Mr. Ashima Gupta, Adv.
Mr. Siddharth Nayak, Adv.
Mr. Raghav Khanna, Adv.
Mr. Monu Kumar, Adv.
Mr. Ayush Anand, AOR
Mr. Abhishek Sharma, Adv.

For Respondent(s) Mr. Zoheb Hussain, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Arkaj Kumar, Adv.
Ms. Deepa Rai, Adv.
Mr. Vivek Gurnani, Adv.
Ms. Aakriti Mishra, Adv.
Mr. Arvind Kumar Sharma, AOR

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

1. The petitioner seeks his enlargement on bail in ECIR/HIU-II/05/2022, dated 07.04.2022, instituted by the Directorate of Enforcement (ED), pursuant to which Complaint No.04/2024 is

presently pending before the Special Court, PMLA, 2002/Special Court CBI No.3, Jaipur Metro-1.

2. The petitioner is one of the accused in FIR No.402/2021, under Sections 406, 420, 120B IPC and Section 4/6 of Rajasthan Public Examination (Prevention of Unfair Means) Act, 1992. The incident that led to registration of the above-stated FIR is one pertaining to leakage of the question paper and use of unfair means in the Rajasthan Eligibility Examination for Teachers ('REET'), 2021. The petitioner was working as a Manager of the school and was appointed as Assistant to the Co-ordinator of REET exam. The petitioner had access to the question paper kept in the strong room. The petitioner is alleged to have taken a copy of the question paper and leaked it to other co-accused. The petitioner was to receive a bribe of Rupees Five Crores, out of which the investigating authorities are said to have successfully recovered a sum of Rs.1,77,80,000/- (Rupees One Crore Seventy Seven Lakh and Eighty Thousand) from various persons. That amount included Rs.46,00,000/- (Rupees Forty Six Lakhs) recovered from the petitioner also. In the above-mentioned FIR, the petitioner was arrested on 26.01.2022. This court vide order dated 18.01.2023, released the petitioner on bail in the aforesaid case, subject to various conditions including that the immovable properties owned by the petitioner and his family shall remain attached, the details whereof shall be furnished by the petitioner within one week after the petitioner is released on bail.

3. Thereafter, the petitioner was arrested by the ED on 21.06.2023 and he has been in custody since then.

4. On a perusal of the complaint filed by the ED, it is revealed that the schedules offences alleged against the petitioner includes two FIRs, namely, FIR No.402/2021 and FIR No.298/2021. The first FIR which was registered under Sections 420, 120-B IPC and under Section 4/6 of Rajasthan Public Examination (Prevention of Unfair Means) Act, 1992 pertains to the leakage of the REET question paper. The second FIR was registered under Sections 302, 365 and 120B IPC and Section 3(2)(v) of the Scheduled Castes &

Scheduled Tribes (Prevention of Atrocities) Act, 1989 at PS Balaghat, District Karauli. Thereafter, an investigation was initiated by the ED under the provisions of the Prevention of Money Laundering Act, 2002 (for short, 'the Act') to trace out the process of crime and ascertain the role of suspected persons in the above-mentioned offences.

5. It is, however, not in dispute that after the investigation, the petitioner was at PS Balaghat, District Karauli as not found involved in the case FIR No.298/2021, registered under Sections 302, 365 and 120B IPC read with Section 3(2)(v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 at PS Balaghat, District Karauli as the petitioner has not been chargesheeted in the said case.

6. The only scheduled offence against the petitioner is the one under Section 420 IPC, which is in relation to the leakage of REET question paper, and in which the petitioner has already been enlarged on regular bail by this Court.

7. Adverting to the prayer for grant of bail in the instant case, it is pointed out by learned counsel for ED that the complaint case is at the stage of framing of charges and 24 witnesses are proposed to be examined. The conclusion of proceedings, thus, will take some reasonable time. The petitioner has already been in custody for more than a year. Taking into consideration the period spent in custody and there being no likelihood of conclusion of trial within a short span, coupled with the fact that the petitioner is already on bail in the predicate offence, and keeping in view the peculiar facts and circumstances of this case, it seems to us that the rigours of Section 45 of the Act can be suitably relaxed to afford conditional liberty to the petitioner. Ordered accordingly.

8. In view of the above and without expressing any views on the merits of the case, we are inclined to release the petitioner on bail. The petitioner is, accordingly, directed to be enlarged on bail subject to such terms and conditions as may be imposed by the learned Special Judge. In addition, the petitioner shall abide

by the following conditions:

- (i) If the passport of the petitioner is still with him, the same shall be deposited with the Special Court.
- (ii) The petitioner shall not make any direct or indirect attempt to contact the witnesses, who are likely to depose against him.
- (iii) The petitioner shall not indulge in tampering of the evidence and any such attempt by him shall be taken as a misuse of concession of this bail order.
- (iv) The petitioner shall furnish a fresh list of immovable assets owned by him and his family and the ED shall be at liberty to attach all such assets. The bank account of the petitioner shall also remain seized.
- (v) The petitioner shall appear before the Trial Court regularly and in the event he is found absent, the ED shall be at liberty to seek cancellation of bail granted to him today by this Court.

9. The Special Leave Petition stands disposed of in the above terms.

10. As a result, the pending interlocutory applications also stand disposed of.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR