

**IN THE COURT OF SH. VISHAL SINGH, ASJ-03
WEST DISTRICT, TIS HAZARI COURTS: DELHI**

CNR No. DLWT01-002309-2022

Complaint Case No. 02/2022

Directorate for Enforcement

Vs. Amit Kumar Raut @ Amish Raval

U/s. 44 r/w 45 of The Prevention of Money Laundering Act, 2002

22.08.2022

**Case file taken up again today upon application filed
U/s. 439 CrPC on behalf of applicant/accused Amit Kumar Raut
@ Amish Raval for grant of regular bail.**

Present: Sh. Rahul Sharma, Special Public Prosecutor, for
complainant.

Accused Amit Kumar Raut @ Amish Raval produced
from District Jail Dehradun, Uttrakhand.

Sh. Ramakant Gaur alongwith Sh. Anubhav Tyagi, Ms.
Sneha Arya, Ms. Prerana Agarwal and Ms. Harshi Gaur,
Ld. Counsels for applicant/accused.

Arguments on bail application heard from both sides.

Case file perused.

1. Ld. Special PP has strongly opposed the bail application with submission that the present complaint pertains to offence of money laundering, under Section 4 of The Prevention of Money Laundering Act, 2002, that entails punishment with rigorous imprisonment of minimum three years and extendable upto 10 years

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alongwith fine. He argued that rigours of Section 45 of The Prevention of Money Laundering Act, 2002, are applicable to this case pertaining to grant of bail, implying that before grant of bail the Court must be satisfied that there are reasonable ground for believing that accused is not guilty of an offence under the Act and that he is not likely to commit any offence while on bail.

2. Ld. Counsel for applicant/accused, on the other hand, sought bail on several grounds:-

i) ECIR of this case was registered in the year 2017, whereas, complaint was filed in the Court on completion of investigation, on 14/03/2022. The IO consciously did not arrest the accused in this case for more than four years during investigation, although, the accused was available, being in judicial custody in another case. Since the IO did not require to arrest the accused for the purpose of investigation, keeping him in judicial custody for the purpose of trial shall not be justified.

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ii) Ld. Counsel for applicant/accused relied on judgment dated 11/07/2022 of Hon'ble Supreme Court of India in **Satender Kumar Antil Vs. CBI & Anr. in SLP No. 5191/2021** to argue that accused Amit Kumar Raut was merely produced before the Court on production warrants from judicial custody in another case on 22/08/2022, being not arrested by ED during investigation, rigours of Section 45 of the Act shall not be applicable in this case (paragraph no.65 of the judgment).

iii) In the present case, the alleged laundered amount is Rs.89 lakh, whereas, the proviso to Section 45 of the Act, inter alia, provides that the Special Court may release the accused on bail without requiring satisfaction under Section 45(1) of the Act, if the money laundered by accused / co-accused persons is less than one crore rupees.

iv) The applicant/accused has remained in judicial custody for seven years in another related complaint case no. 38/2016, Directorate of Enforcement Vs. Amut Kumar Raut, U/s. 3 & 4 The Prevention of Money Laundering Act, 2002. If the accused were

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arrested in the present case too in the year 2017 itself, while undergoing judicial custody in other cases, he would have already spent more than half period of maximum imprisonment prescribed in Section 4 of The Prevention of Money Laundering Act, 2002.

3. The Court finds that the ECIR of this case was registered in the year 2017. The Directorate of Enforcement took more than four and half years to investigate the case. The IO consciously did not arrest applicant/accused Amit Kumar Raut during investigation but attached his property i.e. Villa No.49, Tatvam Villa, Vipul World, Sector-48, Gurugram, as well as his bank account maintained in PNB, Dehradun. The present complaint was filed on 14/03/2022 in the Court.

4. The judgment of Hon'ble Supreme Court in **Satender Kumar Antil** (supra) seems applicable in the facts and circumstances of present case. The rigour of Section 45 of the Act does not seem applicable to this case. The observations of Hon'ble Supreme Court in paragraph no.65 of the judgment pertaining to procedure under Section 170 CrPC seems equally applicable to the charge sheet filed by police and complaint case filed by ED.

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5. In addition, the total laundered amount in this case being less than rupees one crore, the proviso to Section 45 of the Act shall take effect and the Court shall not be required to reach satisfaction mentioned in Section 45(1) of the Act.

6. The Court observes that applicant/accused Amit Kumar Raut has already spent more than seven years in judicial custody in cases connected to present case. It shall not be fair to the applicant/accused to count his custody afresh in present case, whereas, he could have availed of benefit under Section 436A r/w Section 428 CrPC if he were arrested in this case at the outset, in the year 2017.

That being so, accused Amit Kumar Raut @ Amish Raval is enlarged on bail, subject to furnishing bail bond in the sum of Rs.40,000/- with one surety of like amount.

The application is disposed of accordingly.

Copy of this order be given dasti to Ld. Counsels for both the parties, as prayed for.

(VISHAL SINGH)
ASJ-03, WEST/DELHI
22.08.2022