



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2494 OF 2024

Naresh Goyal ...Applicant

vs.

Directorate of Enforcement and Another ...Respondents

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SUBHASH
PAREKAR

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Date: 2024.07.05
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Mr. Abad Ponda, Senior Advocate a/w. Mr. Ameet Naik, Ygandhara Jha, Mr. Abhishek Kale, Mr. Harish Khedkar, Mr. Vaibhav Bhure, Mr. Aditya Ajgaonkar, Mr. Pramit Mishra, Mr. Nevil Chopra, Ms. Anjali Sharma i/b. Naik Naik & Co., for the Applicant.

Mr. H.S. Venegaonkar a/w. Mr. Aayush Kedia and Ms. Diksha Ramnani, for Respondent No. 1- ED.

CORAM : N. J. JAMADAR, J.

DATE : JULY 05, 2024

P.C.:

1. Heard the learned counsel for the parties.
2. By an order dated 6th May, 2024 passed in B.A. No. 1901 of 2024 the applicant was released on interim bail for a period of two months in Special Case No. 1728 of 2023 arising out of ECIR/MBZO-II/29/2023 registered by the Directorate of Enforcement.
3. This Court has, inter alia, observed as under:-

32] The upshot of aforesaid consideration is that the peculiar facts of the case: the age of the applicant, the disease he is suffering from, the treatment recommended for the said disease, other ailments the applicant is suffering from and the situation in life brought about by the life threatening disease the wife of the applicant is suffering from, cumulatively justify exercise of discretion vested in the Court under the proviso to section 45(1) of PMLA. The applicant can be released on bail for a limited period to avail the

treatment for the cancer he is suffering from and attend to his wife, who is also suffering from cancer of an advanced grade.

4. The applicant has preferred this application asserting, inter alia, that the applicant's wife passed away on 16th May, 2024 after battling with terminal cancer. The mental and emotional health of the applicant has severely deteriorated after the demise of his wife. The medical officers have opined that the applicant is immunocompromised and hence cannot be lodged in jail.

5. A latest case summary issued by Sir H.N. Reliance Foundation Hospital And Research Centre and a certificate issued by Narendra Kinger, Clinical Psychologist & Psychotherapist are annexed to the affidavit dated 3rd July, 2024. The case summary reveals that the applicant has been advised to undergo 'Whipple's Surgery for his neuroendocrine tumours and a lap fundoplication for his Barrett's Oesophagitis'.

6. When the matter was listed before the Court on 3rd July, 2024, Mr. Ponda, learned Senior Advocate submitted that the applicant was planning to undergo fundoplication surgery.

7. Mr. Venegaonkar, learned Special Public Prosecutor fairly submitted that, at this stage, it can not be controverted that the applicant is sick. However, the applicant cannot be granted medical bail for an indefinite period. There is no material to show that there

is a definite treatment plan.

8. The applicant has thus filed an affidavit dated 4th July, 2024 affirming that he proposes to undergo a 'Fundoplication surgery' within four weeks and as soon as his pre-operation surgical fitness is certified by the doctors.

9. Mr. Ponda submitted that 'fundoplication surgery' is scheduled to be performed on 23rd July, 2024.

10. Having perused the medical reports and the situation in which the applicant finds himself, in the backdrop of the physical and psychological ailments, aggravated on account of the demise of his wife, I deem it appropriate to extend the interim bail on medical ground by a period of five weeks.

Hence, the following order.

ORDER

- 1] The interim bail granted by this Court by an order dated 6th May, 2024 stands extended by four weeks.
- 2] List on 2nd August, 2024.

(N. J. JAMADAR, J.)