
(2019) 11 RAJ CK 0038

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 14530 Of 2019

Uma Charan Sharma And Others

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 18-11-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 439
Prevention of Money-Laundering Act, 2002 — Section 3, 4

Citation : (2019) 11 RAJ CK 0038

Hon'ble Judges : Narendra Singh Dhaddha, J

Bench : Single Bench

Advocate : Vipin Sharma, Anand Sharma, Ritu Pathak

Final Decision : Allowed

Judgement

Narendra Singh Dhaddha, J

1. Learned counsel, Shri Vipin Sharma appearing for the accused petitioners submits that a complaint had been registered against the accused

petitioners for offences u/s 3 and 4 of the Prevention of Money Laundering Act, 2002. He submits that the learned lower court had summoned the

accused petitioners by non-bailable warrants. He submits that no interrogation is required. Learned counsel submits that in similar offence, one

accused person Manju Tanwar has already been released on anticipatory bail by a co-ordinate Bench of this court vide order dated 17.9.2019 passed

in S.B. Criminal Misc. Bail Application No. 12011/2019. So, the accused petitioners may also be given the same treatment.

2. Learned counsel for the accused petitioners placed reliance on Mithabhai Pashabhai Patel v. State of Gujarat, Criminal Appeal No. 941/2009,

decided by Apex Court on 6.5.2009.

3. Counsel for the Union of India has opposed the anticipatory bail application. Reliance has placed on P. Chidambaram v. Directorate of Enforcement, Criminal Appeal No. 1340/2019 and Satpal Singh v. State of Punjab, (2018) 13 SCC 813. It is contended that after filing of the complaint and issuance of arrest warrant protection under Section 438 Cr.P.C. is not given to the accused. It is also contended that since arrest warrants have been issued, the only course available to the accused is to seek regular bail under Section 439 Cr.P.C. from the concerned court.
4. I have considered the contentions raised by both the parties.
5. Looking to the overall facts and circumstances of the case, the fact that accused Manju Tanwar W/o Sh. Narendra Kumar Tanwar has already been enlarged on anticipatory bail and also the fact that no interrogation is required for the accused petitioners. Without commenting any opinion on the merits or demerits of the case, I deem it just and proper to grant indulgence of anticipatory bail to the petitioners.
6. Consequently, the anticipatory bail application is allowed. The accused petitioners are directed to surrender before the concerned court within two weeks of this order. The concerned court shall accept the bail bonds as deemed proper by the concerned court.