



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.3984 OF 2024
(@ SLP(CRL.) NO. 11129/2024)

MODH. ENAMUL HAQUE

APPELLANT(S)

VERSUS

DIRECTORATE OF ENFORCEMENT

RESPONDENT(S)

O R D E R

1. Leave granted.
2. The appellant is being charged under Sections 7, 11 and 12 of the Prevention of Money Laundering Act, 2002 pursuant to the use of the proceeds of crime in a predicate offence. The allegation against the appellant in the predicate offence is that after illegally transporting cattle across the border, he bribed various officials. The charge against the appellant in the present complaint is that the money received by him was actually used for the purpose of money laundering.
3. Learned senior counsel appearing for the appellant submitted that co-accused have been granted bail. The appellant has been incarcerated, if the period undergone in a predicate offence as well as in the present case are put together, for a period of nearly four years. The trial is yet to commence. Considering the above, he should be granted bail.
4. Learned Additional Solicitor General appearing for the

respondent vehemently contended that the charge is in the predicate offence and in any case, the period of incarceration undergone cannot be taken as a ground in the present case. It is further submitted that allegations are extremely serious and, therefore, no indulgence is warranted. It is the further case of the prosecution that it is only because the appellant has sought for certain additional documents that the trial has been withheld.

5. We are inclined to grant bail to the appellant not only on the ground of parity but also for the reason that the trial is yet to commence. Admittedly, there are 85 witnesses. The trial has not even started. The appellant has been incarcerated for more than 2½ years in the present case. Thus, even if we leave out any period of incarceration undergone in a predicate offence, a continued incarceration where the appellant is not entirely at fault for the completion of trial due to a prolonged delay, would enure to his benefit for the purpose of granting bail.
6. We are convinced that the appellant cannot be solely faulted for the non-commencement of the trial as he has not gained anything. Therefore, without commenting on the entitlement of the appellant to receive the copies of the document relied upon the prosecution, we are of the view that taking into consideration not only the period of incarceration but also the trial getting delayed owing to numerous witnesses, he is entitled for bail at this stage.

7. In such view of the matter, the impugned order stands set aside and the appellant is granted bail, subject to the conditions that may be imposed by the Trial Court.
8. The appeal is allowed accordingly.
9. Pending application(s), if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[ARAVIND KUMAR]

NEW DELHI;
23rd SEPTEMBER, 2024

OUT TODAY

ITEM NO.15

COURT NO.12

SECTION II-C

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 (Crl.) No(s). 11129/2024

(Arising out of impugned final judgment and order dated 29-07-2024 in BA No. 1869/2022 passed by the High Court of Delhi at New Delhi)

MODH. ENAMUL HAQUE

Petitioner(s)

VERSUS

DIRECTORATE OF ENFORCEMENT

Respondent(s)

(IA No.187242/2024-INTERIM BAIL)

Date : 23-09-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Siddhartha Agarwal, Sr. Adv.
Mr. Somesh Chandra Jha, Adv.
Mr. Gaurav Kakar, Adv.
For M/S. Sharan & Associates, AOR

For Respondent(s) Mr. Suryaprakash V. Raju, A.S.G.
Ms. Mrigank Pathak, Adv.
Mr. Zoheb Hussain, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Vivek Gurnani, Adv.
Mr. Arvind Kumar Sharma, AOR
Ms. Nidhi Saini, Adv.
Ms. Shweta Desai, Adv.
Mr. Kshitiz Agarwal, Adv.

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

Leave granted.

The relevant portion of the order reads as under:-

'In such view of the matter, the impugned order stands set aside and the appellant is granted bail, subject to the conditions that may be imposed by the Trial Court.'

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)
COURT MASTER (SH)

(POONAM VAID)
COURT MASTER (NSH)

(Signed order is placed on the file)