

ITEM NO.28

COURT NO.6

SECTION II-C

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (CrI.) No(s). 11790/2024

[Arising out of impugned final judgment and order dated 20-08-2024 in CRMP No. 721/2024 passed by the High Court of Chhattisgarh at Bilaspur]

ANIL TUTEJA &amp; ANR.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

IA No. 253342/2024 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 152825/2025 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 195147/2024 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 253343/2024 - EXEMPTION FROM FILING O.T.

IA No. 231434/2024 - EXEMPTION FROM FILING O.T.

IA No. 195148/2024 - EXEMPTION FROM FILING O.T.

IA No. 72684/2025 - EXEMPTION FROM FILING O.T.

IA No. 194163/2024 - EXEMPTION FROM FILING O.T.

IA No. 22926/2025 - EXEMPTION FROM FILING O.T.

IA No. 22922/2025	-	PERMISSION TO	FILE	ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES				

IA No. 72683/2025	-	PERMISSION TO	FILE	ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES				

WITH

SLP(CrI) No. 12864/2024 (II-C)

IA No. 175553/2025 - APPLICATION FOR VACATION OF INTERIM ORDER

IA No. 231312/2024 - EXEMPTION FROM FILING O.T.

IA No. 212736/2024 - EXEMPTION FROM FILING O.T.

SLP(CrI) No. 14290/2024 (II)

SLP(CrI) No. 14773/2024 (II)

SLP(CrI) No. 14770/2024 (II)

SLP(CrI) No. 14870/2024 (II)

SLP(CrI) No. 15682/2024 (II-C)

IA No. 20427/2025 - EXEMPTION FROM FILING O.T.

SLP(CrI) No. 15576/2024 (II-C)

SLP(CrI) No. 17896/2024 (II-C)

SLP(CrI) No. 802/2025 (II-C)

IA No. 175482/2025 - APPLICATION FOR VACATION OF INTERIM ORDER

SLP(CrI) No. 12517/2024 (II-C)

IA No. 274374/2024 - APPLICATION FOR VACATION OF INTERIM ORDER

IA No. 206808/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 293495/2024 - EXEMPTION FROM FILING O.T.

IA No. 274375/2024 - EXEMPTION FROM FILING O.T.

IA No. 252676/2024 - EXEMPTION FROM FILING O.T.

IA No. 206809/2024 - EXEMPTION FROM FILING O.T.

IA No. 101105/2025 - EXEMPTION FROM FILING O.T.  
 IA No. 101102/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES  
 SLP(Crl) No. 14901-14904/2024 (II-C)  
 IA No. 274162/2024 - APPLICATION FOR VACATION OF INTERIM ORDER  
 IA No. 247582/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
 IA No. 19360/2025 - EXEMPTION FROM FILING O.T.  
 IA No. 274163/2024 - EXEMPTION FROM FILING O.T.  
 IA No. 247583/2024 - EXEMPTION FROM FILING O.T.  
 SLP(Crl) No. 17659/2024 (II-C)  
 IA No. 46229/2025 - EXEMPTION FROM FILING O.T.  
 IA No. 24318/2025 - EXEMPTION FROM FILING O.T.  
 IA No. 24243/2025 - EXEMPTION FROM FILING O.T.  
 IA No. 24232/2025 - EXEMPTION FROM FILING O.T.  
 IA No. 24310/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 16-09-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH  
 HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s)

Mr. DS Naidu, Sr. Adv.  
 Mr. Malak Manish Bhatt, AOR

Ms. Meenakshi Arora, Sr. Adv.  
 Ms. Abhishek Chauhan, Adv.  
 Ms. Nanakey Kalra, Adv.  
 Mr. Amit, AOR

Mr. Siddhartha Dave, Sr. Adv.  
 Mr. Harsh Srivastava, Adv.  
 Mr. Siddhant Kohli, Adv.  
 Mr. Kaustabh Bhattacharjee, Adv.  
 Mr. Balaji Srinivasan, AOR

Ms. Meenakshi Arora, Sr. Adv.  
 Mr. Shishir Prakash, Adv.  
 Ms. Karuna Krishan Thareja, Adv.  
 Mr. Mohit D. Ram, AOR  
 Ms. Nayan Gupta, Adv.  
 Ms. Nanakey Kalra, Adv.  
 Mrs. Nanakey Kalra, Adv.

For Respondent(s)

Mr. Brijender Chahar, A.S.G.  
 Dr. Vijendra Singh, AOR  
 Ms. Charu Singhal, Adv.  
 Mr. Shantanu Singh, Adv.  
 Mr. Rahul Singh Chauhan, Adv.

Ms. Apurva Singh, Adv.  
Mr. Kumar Abhinandan, Adv.  
Mr. K Abhinandan, Adv.

Mr. Zoheb Hussain, Adv.  
Mr. Annam Venkatesh, Adv.  
Mr. Aaditya Dixit, Adv.  
Mr. Kanu Agrawal, Adv.  
Mr. Animesh Upadhyay, Adv.  
Mr. Samrat Goswami, Adv.  
Mr. Abhinav Mishra, Adv.  
Mr. Arvind Kumar Sharma, AOR  
Mr. Prakhar Bhardwaj, Adv.  
Ms. Anushka Gupta, Adv.  
Ms. Aakriti Mishra, Adv.

Mr. Mahesh Jethmalani, Sr. Adv.  
Mr. Vivek Sharma, A.A.G.  
Mr. Ravi Sharma, D.A.G.  
Mr. Apoorv Shukla, AOR  
Ms. Madhulika Rai Sharma, Adv.  
Ms. Prabhleen A. Shukla, Adv.  
Ms. Mugdha Pande, Adv.

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

These Special Leave Petitions can be divided into four categories. In the first category of cases, challenge is to the First Information Report (FIR) registered by the State of Chhattisgarh. In the second category of cases, challenge is to the FIR registered by the State of Uttar Pradesh. Incidentally, challenge is also made to the ECIR registered. In the last category, rejection of the bail applications have been challenged.

Insofar as the categories of cases dealing with the challenge to the two FIRs, the learned senior counsel appearing for the petitioners would submit that the FIRs have been registered based upon the information given, pursuant to the interim orders granted by this Court. In any case, Section 66 (2) of the Prevention of Money Laundering Act, 2002 ought not to have been invoked. The

basis of the FIRs being the same, they cannot be allowed to continue, as, at best, an additional charge sheet can be filed in the first FIR that was registered. As in both the cases, charge sheets have already been filed, the one filed in the second set of FIRs in the State of Chhattisgarh can be taken as an additional charge sheet in the first FIR filed in the State of Uttar Pradesh.

Mr. Dama Seshadri Naidu, learned senior counsel appearing for the petitioner-Anil Tuteja in SLP (Crl.) No. 17659/2024, whose bail application has been rejected by the High Court, submitted that inasmuch as most of the co-accused have been granted bail, the same will have to be extended to the petitioner as well, particularly, in view of the fact that he has been under incarceration for nearly 17 months and he is not currently working in the Department, coupled with the further fact that investigation is complete *qua* him. Incidentally, it is also submitted by the learned senior counsel that the documents being voluminous and so also the number of witnesses, the Trial would take substantial amount of time.

On the other hand, the learned ASG and the learned senior counsel appearing for the respondents, including the Enforcement Directorate and the respective States, namely, the State of Chhattisgarh and the State of Uttar Pradesh submitted that the allegations are serious. The further investigation, though undertaken to be completed within a reasonable time, could not be completed because of the on-going proceedings where prohibitory orders have been passed. The charges are distinct and separate. It is not as if one investigating agency has initiated criminal proceedings in different States. The FIR has been registered for

the offences committed in the State of Chhattisgarh and so also in the State of Uttar Pradesh. Therefore, the materials are different, which includes the witnesses. In such view of the matter, there is no basis for the allegations made. On the question of quashing of the ECIR, it is submitted that even the earlier order passed by this Court does not specifically quash the ECIR, and in any case, quashment on a technical plea which found favour with this Court, will not render the materials collected as non-usable. The power has been exercised under Section 66 (2) of the PMLA, 2002, which was not the subject matter of the earlier proceedings and, therefore, the interim orders cannot be construed to mean that the information furnished is without jurisdiction. Factually, some of the information that has been given earlier followed thereafter. Therefore, all the Special Leave Petitions will have to be dismissed.

We are dealing with 13 Special Leave Petitions. Firstly, we shall deal with the one in which the petitioner-Anil Tuteja seeks bail. There are adequate materials available on record to confirm the order of the High Court rejecting the bail application. We are not inclined to go into the materials by assessing them, as considering the said materials at this stage would be detrimental to the further proceedings. *Prima facie*, we are not inclined to grant bail to the Petitioner-Anil Tuteja for the reason that further investigation cannot be completed, unless the co-accused are taken into custody. Thus, without expressing anything on the merits of the case, we would only state that granting bail to the Petitioner-Anil Tuteja at this stage will impede the further

investigation.

On the contentions raised pertaining to the other Special Leave Petitions, we find no merit for consideration. The power under Section 66 (2) of the PMLA, 2002 is distinct and separate. Exercise of the said power has got nothing to do with the proceedings pending at the relevant point of time with the interim order, and so also the final order passed. In fact, on a perusal of Section 66 of the PMLA, 2002, we find that it is a mandatory duty of the investigating officer to share the materials collected with the other concerned agencies. Their investigation, followed by registration of the FIR and filing of the charge sheet travel on separate channels.

To put it differently, the materials may be common, but the conclusion based upon further material would be different. In such view of the matter, all the contentions raised, irrespective of the information given earlier or subsequently would be irrelevant.

Similarly, the contentions raised on the two FIRs do not hold water, as they have been initiated based upon the collection of further materials found within the respective States. As rightly submitted by the learned senior counsel for the respondent-State, the materials found and collected are different, and so also are the witnesses. These offences are State specific. In such view of the matter, we find no reason to accept the contention raised on behalf of the petitioners pertaining to the two FIRs as well.

By way of a conclusion, we would only direct the Investigating Agencies, i.e. the Enforcement Directorate and the concerned State agencies to file the complaint and conclude the investigation by

way of an additional charge sheet, within a period of three months from the date of receipt of a copy of this order.

Thereafter, liberty is granted to the petitioner(s) to file application(s) for regular bail or anticipatory bail, as the case may be, which will have to be considered on their own merits, without being influenced by any of the orders passed earlier or by the impugned order(s). For seeking the aforesaid relief of bail, the petitioners can approach the High Court. The interim orders granted earlier stand vacated.

Accordingly, the Special Leave Petitions are dismissed with the aforesaid liberty.

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

(ASHA SUNDRIYAL)  
DEPUTY REGISTRAR

(POONAM VAID)  
ASSISTANT REGISTRAR