

(2024) 11 KAR CK 0019

Karnataka High Court At Bengaluru

Case No: Criminal Petition No. 10044 Of 2024

V.R. Rajesh

APPELLANT

Vs

Directorate Of Enforcement

RESPONDENT

Date of Decision: Nov. 23, 2024

Acts Referred:

- Prevention Of Money Laundering Act, 2002 - Section 3, 4, 22, 23, 24, 70

Hon'ble Judges: H.P. Sandesh, J

Bench: Single Bench

Advocate: Ganesha K, Unnikrishnan M

Final Decision: Dismissed

Judgement

H.P. Sandesh, J

CAV ORDER

1. This petitioner is accused No.19 and this petition is filed for bail on medical ground contending that the petitioner is in custody from 22.02.2023 and suffering from several ailments. In order to substantiate the said contention, the petitioner relied upon the medical report of the petitioner and brought to the notice of this Court that he was admitted to Jayadeva Hospital and noticed Type II Diabetes Mellitus (HbA1C-13.8%) with B/E moderate NPDR-Non-proliferative diabetic retinopathy, ischemic heart disease. The learned counsel also brought to the notice of this Court the impression and also produced the medical records dated 05.07.2023, out-patient records and also produced the document of estimation for surgery, wherein estimation was given for an amount of Rs.2,06,002/- and the same is dated 18.07.2023 and he requires stent to be implanted. The learned counsel submits that

similarly placed accused No.17 was enlarged on bail. The learned counsel has produced the document of bank statement for having made the payment of Rs.21 Crores and submits that the petitioner is also entitled for bail on merits.

2. Per contra, the learned CGSC appearing for the respondent submits that twice the bail petition was rejected by the Sessions Court and no medical

grounds are produced before the Trial Court and only before this Court the petitioner has produced the medial records. The learned counsel contend

that balance is not only Rs.21 Crores and he availed loan of Rs.40 Crores is not correct and he availed Rs.20 Crores under different names in total

Rs.80 Crores was availed. If any stent has to be implanted, he may be permitted to take the treatment in a particular hospital under the supervision of

the jail officials and after the treatment he has to take treatment in the jail itself for follow up and there is medical facility in the jail itself.

3. Having heard the learned counsel for the petitioner and the learned counsel CGSC for the respondent, this petitioner has been arrayed as accused

No.19. The specific allegation against this petitioner is that complaint was filed and the Trial Court took the cognizance and Prevention of Money

Laundering Act (PML Act for short) was invoked and permitted the respondent ED to file the additional complaint. No doubt, this Court in

Crl.P.No.2014/2023 vide order dated 13.04.2023 granted bail in favour of accused No.17. The learned counsel for the petitioner relies upon the

document for having made the payment. The learned counsel for the respondent also brought to the notice of this Court the allegations made against

this petitioner that he is one of the 24 major beneficiaries, who has availed Rs.20 Crores and current outstanding is Rs.40.40 Crores. Case is filed

against this petitioner in respect of Crime No.37/2020 and outstanding balance is Rs.19,64,57,210/- and he had admitted the statement that he availed

loan of approximately Rs.30 crores from the very same bank in the names of himself, his wife and his firms. No doubt, he made part payment, but the

specific case of the prosecution is that his outstanding balance in one case is Rs.42,91,96,571/- and availed loan under different names, in the names of

his proprietary concerns and money laundering offence under Section 3 was also invoked read with Sections 22, 23, 24 and 70 of the PML Act

punishable under Section 4 of the PML Act.

4. Having considered the material on record, specific allegations are made against this petitioner that he had indulged in committing the offence of fraud and causing loss to the Bank and he is one of the 24 beneficiaries, who caused about Rs.928 Crores swallowing of money of the particular bank.

When such serious offences are alleged against him that he indulged in creation of documents and fictitious accounts and availed the loan, he is not

entitled for bail. No doubt, he is seeking bail on medical ground and the medical records disclose that the petitioner is having ischemic heart disease

and estimation for surgery was given in the month of July 2023 to the tune of Rs.2,06,002/-. The petitioner can be taken to the hospital for treatment

under the supervision of jail authorities. Considering the gravity of the offence, the question of granting bail on medical ground does not arise and the

same is not serious and it is only for stent implantation and hence no ground is made out to grant bail in favour of the petitioner even on medical ground

also.

5. In view of the discussions made above, I pass the following:

ORDER

(i) The criminal petition is rejected.

(ii) However, the jail authorities are given liberty to take the petitioner to the hospital for treatment, if any required, under their supervision and on the cost of the petitioner treatment can be provided.