ABC 2025 (II) 253 SC

ACQUITTAL & BAIL CASES

SUPREME COURT OF INDIA

(M.M. Sundresh & Nongmeikapam Kotiswar Singh, JJ.)

Criminal Appeal No. of 2025

(@ SLP(CRL.) No.14286/2024)

Decided on 23 July 2025

NITIN TIBREWAL & OTHERS ***- Appellant(s).***

Versus

DIRECTORATE OF ENFORCEMENT & ANOTHER- Respondent(s).

Law Covered:- ***(A) Prevention of Money Laundering Act, 2002 -- Sections 3 & 4 -- Bail Granting -- Incarceration Period & Trial Delay -- Consideration of prolonged incarceration &the likelihood of a delayed trial due to voluminous documents &a large number of witnesses -- Held, these factors constitute valid grounds for granting bail. (Paras 4, 8)***

(B) Prevention of Money Laundering Act, 2002 -- Section 45 -- Applicability to Predicate Offence -- Rigors of Section 45 of the PMLA -- Held, the said rigor would not apply while dealing with the predicate offence, in view of the decision in V. Senthil Balaji vs. The Deputy Director, Directorate of Enforcement. (Para 4)

(C) Bail -- Grant of -- Parity with Co-accused -- Consideration of less serious roles attributed to the appellants/ petitioners compared to co-accused who have already been granted bail -- Held, parity is a valid consideration for granting bail. (Para 4)

(D) Bail -- Grant of -- Entitlement in Predicate Offence -- Held, where bail has already been granted in the PMLA offence, the accused is entitled to bail in the predicate offence as well. (Para 4)

Facts:-*Multiple criminal appeals &special leave petitions were consolidated, primarily concerning appellants/petitioners accused of either the predicate offence, offences under the Prevention of Money Laundering Act (PMLA), or both. The appellants argued for bail on grounds including parity with co-accused who had already been granted bail, their allegedly less serious roles, prolonged incarceration (over one year), &the anticipated delay in the trial due to voluminous documents &a large number of witnesses. They also contended that the rigors of Section 45 of the PMLA should not apply to the predicate offence, relying on the precedent set in V. Senthil Balaji.*

The respondent agencies (CBI &Enforcement Directorate) opposed bail, emphasizing the seriousness of the allegations, which involved deceiving gullible victims of crores of rupees &laundering the proceeds of crime through hawala transactions to Dubai &back to India. They also highlighted that the main accused were still at large.

The Supreme Court, after hearing the parties, granted leave in several petitions. For appeals involving PMLA offences, the Court set aside the impugned orders of the High Court &granted bail, considering the period of incarceration, the likely delay in the trial, &the principle of parity. The bail was granted subject to conditions to be imposed by the Trial Court, including a personal undertaking &weekly reporting. The Court adjourned several other petitions where the CBI sought time for further investigation.

Law of relief:-(i) Consideration of less serious roles attributed to the appellants/petitioners compared to co-accused who have already been granted bail --Held, parity is a valid consideration for granting bail.

(ii) Where bail has already been granted in the PMLA offence, the accused is entitled to bail in the predicate offence as well.

Counsel:-

For Petitioner(s): *Sahil Bhalaik.*

For Respondent(s): *Arvind Kumar Sharma.*

Cases Referred:-

1. *V. Senthil Balaji vs. The Deputy Director, Directorate of Enforcement: Cri. A. No.4011/2024 (Para 4)*

ORDER

M.M. Sundresh, J.: -

1. Leave granted in SLP(CRL.) No.14286/2024, SLP(Crl) No. 1217/2025, SLP(Crl) No. 1283/2025, SLP(Crl) No. 2598/2025 and SLP (Crl) No. 2072/2025.

2. We have heard the learned Additional Solicitor General (for short, the 'ASG') appearing for the CBI, the learned ASG appearing for the Directorate of Enforcement, the learned Senior counsel, and counsel appearing for the parties, at length.

3. In all of these matters, the appellants/petitioners have been arrayed as accused either for the predicate offence or for the offences punishable under Sections 3 and 4 of the Prevention of Money Laundering Act, 2002 (for short, 'the PMLA') or for both. Learned

Senior counsel and other counsel appearing for the appellants/ petitioners made the following submissions:

Some of the co-accused in these matters have already been granted bail. The roles which have been attributed to the appellants/petitioners who are before us, are less serious when compared to that of those who have already been granted bail. This Court has taken note of the fact that the trial is going to be prolonged due to the voluminous documents filed by the Investigating Agencies and the huge number of witnesses named. The appellants/petitioners have been under incarceration for more than one year. For some of them, bail has neither been granted in the predicate offence nor in the PMLA offence and in cases where bail has already been granted in the PMLA offence, they are entitled to bail in the predicate offence as well.

Taking into consideration the above, the impugned order(s) passed by the High Court will have to be set aside, particularly when in some of the orders, the High Court has taken into consideration the rigor of Section 45 of the PMLA while dealing with the predicate offence. In any case, the said rigor would not apply in view of the decision rendered by this Court in 'V. Senthil Balaji vs. The Deputy Director, Directorate of Enforcement' in Cri. A. No.4011/2024 on 26.09.2024, as there is a bounden duty not only on the part of the Court but also on the part of the prosecution to ensure that the trial is concluded within a reasonable time period, which is not likely to take place in the present matters.

5. Mr. S.D. Sanjay, learned ASG appearing for the CBI and Mr. S.V. Raju, learned ASG appearing for the Directorate of Enforcement submitted that the allegations made against the appellants/ pettitoners are serious. Gullible victims have been deceived of crores of money.

In all these cases, money has been laundered as seen from the documents filed by the Investigating Agencies. After the money was laundered, it was taken to Dubai and thereafter, brought back to India through hawala transactions with the able assistance of the appellants/petitioners before us. The main accused are yet to be apprehended. Therefore, on the peculiar facts of the case, there is no need for any interference.

6. Mr. S.D. Sanjay, the learned ASG appearing for the CBI submitted that in those cases where the CBI is undertaking the investigation, a period of two months may be given as further investigation is going on.

7. Taking note of the submissions made by the learned ASG appearing for the CBI, we are inclined to adjourn the SLP(CrI) No. 703/2025, SLP(CrI) No. 2367/2025, SLP(CrI) No. 1364/2025, SLP(CrI) No. 1528/2025, SLP(CrI) No. 1909/2025, SLP(CrI) No. 2199/2025, SLP (CrI) No. 2229/2025, SLP(CrI) No. 1993/2025, SLP(CrI) No. 2580/2025, SLP(CrI) No. 2602/2025, SLP(CrI) No. 3587/2025, SLP (CrI) No. 3500/2025 & SLP(CrI) No. 4867/2025, to be taken up on 25.09.2025.

8. This leaves us with the appeals involving the PMLA offences. As submitted, some of the co accused have already been granted bail by the High Court and by co-ordinate Benches of this Court. We have also taken note of the roles attributed to the appellants. Though their roles are varied, taking into consideration the period of incarceration and that the trial is likely to be delayed, we are inclined to grant bail.

9. Accordingly, the impugned order(s) stand set aside and the appellants are granted bail, subject to the terms and conditions that may be imposed by the Trial Court.

10. The Trial Court shall impose an additional condition directing the appellants to file an undertaking that they will not be involved in any similar offence in the future, either directly or indirectly.

11. The Trial Court shall also impose a condition that all the appellants shall report before the Trial Court once a week, apart from impounding their passports.

12. Liberty is given to the prosecuting agency to seek cancellation of bail, in the event of any of the conditions to be imposed by the Trial Court, being violated.

13. Accordingly, the appeals stand allowed.

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

***Result*:-** Appeals allowed. Bail granted to appellants in PMLA offences. Impugned orders of High Court set aside. Several SLPs adjourned to 25.09.2025.