



ITEM NO.49

COURT NO.2

SECTION II

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). 15953/2024

[Arising out of impugned final judgment and order dated 11-11-2024 in SBCRMBA No. 11728/2024 passed by the High Court of Judicature for Rajasthan at Jaipur]

SANJAY BADAYA

Petitioner(s)

VERSUS

DIRECTORATE OF ENFORCEMENT

Respondent(s)

(FOR ADMISSION)

Date : 17-12-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s)

Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Atmaram Nadkarni, Sr. Adv.
Mr. Vivek Jain, AOR
Ms. Suchitra Kumbhat, Adv.
Mr. Sadiq Noor, Adv.
Mr. Amit Bhandari, Adv.
Mr. Rajat Jain, Adv.
Ms. Deepti, Adv.

For Respondent(s)

Mr. Zoheb Hussain, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Arkaj Kumar, Adv.
Mr. Abhinav Mishra, Adv.
Mr. Arvind Kumar Sharma, AOR

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

1. This is a petition seeking bail.
2. Mr. Zoheb Hussain, learned counsel appearing for the respondent has vehemently opposed the petition.

3. The petitioner is basically relying on the order dated 09.09.2024 passed by the coordinate Bench of this Court in Criminal Appeal No. 3754 of 2024 titled as "Peeyush Jain Vs. Enforcement Director".

4. We find that the allegations made against the present petitioner are almost similar with the allegation made against Peeyush Jain who has been granted benefit of bail by this Court vide order dated 09.09.2024.

5. As a matter of fact, the said Peeyush Jain is also arrayed as an accused in the predicate offence, whereas the present petitioner is not an accused in the predicate offence.

6. The amount attributed to the said Peeyush Jain is Rs. 8.87 crores whereas insofar as the present petitioner is concerned, it is alleged that he has received 3.30 crores from proceeds of crime and an amount of Rs. 1.05 crores was also deposited in the account of his father.

7. Further allegations made against the petitioner as well as the said Peeyush Jain are that they were facilitating the award of contracts from PHED and received the money on behalf of the Minister of the said Department.

8. Admittedly, the said Minister has not been made an accused in the present crime. Apart from that, the substantial evidence in the present matter is documentary in nature. As such, there is no possibility of tampering with the evidence

as all these documents are seized by the prosecution.

9. It is further to be noted that the charges are also yet to be framed. There are 50 witnesses to be examined and the evidence contains around 8,000 pages. As such, the possibility of the trial being concluded expeditiously is also removed.

10. Taking into consideration all these aspects of the matter and particularly order passed by the Coordinate bench of this Court in Criminal Appeal No. 3754 of 2024 titled as "Peeyush Jain Vs. Enforcement Director", we are inclined to grant bail to the present petitioner.

11. The petitioner is directed to be released on bail in connection with ECIR No. JPZO/29/2023 dated 21.08.2023, on such terms and conditions as may be imposed by the Trial Court.

12. The special leave petition is, accordingly, disposed of.

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

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)