

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 7538 of 2025****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE M. R. MENGDEY**

Approved for Reporting	Yes	No
	✓	

MAHESHDAN PRABHUDAN LANGA

Versus

STATE OF GUJARAT & ANR.

Appearance:

MR S N SOPARKAR, SENIOR COUNSEL with MR A. J. YAGNIK(1372) for the Applicant(s) No. 1 with VEDANT J RAJGURU(9375) for the Applicant(s) No. 1

SHRI KAMAL TRIVEDI, Ld. ADVOCATE GENERAL with MR ZOHEB HOSSAIN with MR SHUSHIL R SHUKLA with MR VINAY BAIRAGRA with NONIKA SACHDEVA with MR ANIRUDHH KAMBOJ for the Respondent(s) No. 2

MR MITESH AMIN, Addl. ADVOCATE GENERAL with MR HARDIK DAVE, PUBLIC PROSECUTOR for the Respondent(s) No. 1

CORAM: HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 31/07/2025****ORAL JUDGMENT**

1. The applicant has filed the present application Under Sections 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for being enlarged on Regular Bail in connection with the offence being **ECIR No. ECIR/AMZO/20/2024 dated 26.11.2024** registered with Directorate of Enforcement, Ahmedabad Zonal office, Ahmedabad, for the offences under Sections 3 , 4 of the Prevention of Money Laundering Act, 2002.

2. Learned senior counsel Mr. S.N. Soparkar appearing for the applicant has submitted that, the applicant is a senior journalist, working as the Senior Assistant Editor at The Hindu, a very prominent newspaper, and also covers Gujarat as its correspondent. Though, the applicant has been arrested in connection with the present offence on 20.02.2025, he is in custody since 07.10.2024 in connection with the offences registered against the applicant one after the other.

2.1 Learned senior counsel further submitted that, the case of the Respondent – ED is based upon two FIR registered against the applicant being No.11191011240284/2024 dated 29.10.2024 registered at DCB Police station, Ahmedabad-City for the offences u/s. 316(2), 318(4) of the BNS; and second FIR being No.1119104225022/2025 dated 23.01.2025 registered at Satellite Police Station, Ahmedabad for the offence u/s. 308(2) of the BNS.

2.2 Learned senior counsel further submitted that the allegation in the FIR No.11191011240284 dated 29.10.2024 registered at DCB Police Station, Ahmedabad are to the effect that the applicant told one Mr. Pranay Shah that he has political connections and also has good relations with big tycoons situated in Gujarat as well as in Delhi. Being a journalist, he also has good relations with the media groups running reputed newspapers in the country. Thus, the applicant induced the said Mr. Pranay Shah to pay him Rs. 23 lakhs. The said amount was paid by the said Pranay Shah to the applicant through the account of one Vyomin Media which was owned by one Mr.

Darshan Shah. The applicant had allegedly taken the same amount as he wanted to purchase a corporate office. Thereafter, the applicant had also made the said Pranay Shah pay the amount of Rs. 5,68,250 towards the expense of birthday celebration of his wife. Thereafter, when Mr. Shah asked for repayment of the aforesaid amount, the applicant instead of paying the same, started threatening him and never repaid the said amount. All the events alleged in the FIR happened between March-2024 to September-2024 and the FIR came to be registered only on 29.10.2024. He has further submitted that , the applicant has been granted Anticipatory Bail in the said offence by the Ld. City Civil and Sessions Court, Ahmedabad vide order dated 25.11.2024.

2.3 Learned senior counsel further submitted that another FIR being No. 11191042250022 of 2025 came to be lodged against the applicant at the Satellite on 23.01.2025 by one Mr. Janakbhai Thakor *inter alia* alleging against the applicant that the applicant presented himself as a senior assistant at a prominent Gujarat Newspaper who also happens to be a land broker who could resolve land dispute by charging commission at the nominal rate of 5-10%. The applicant lured the complainant that he would get published positive news items in the newspapers about his business which would help him in increasing reputation of his business in the market and had thus induced him to pay Rs.20 Lakhs in cash in January 2024. After the publication of the news item in the newspaper named The Hindu on 26th January, 2024, the applicant demanded additional amount of Rs. 20 Lakhs and when it was refused by

him, the applicant threatened to publish defamatory articles to damage his reputation and image of his business. The complainant fearing repercussions, paid another Rs.20 Lakhs in cash in July 2024. Thus, the allegations of extortion are levelled against the applicant. The complainant approached the police only after 6 months to register the FIR against the applicant. He has further submitted that , the applicant has been granted Anticipatory Bail in connection with this offence also by the Ld. District and Sessions Court, Ahmedabad-Rural on 11.02.2025. He has further submitted that initially, the FIR No.11191011240284 of 2024 dated 29.10.2024 registered at DCB Police Station, Ahmedabad City was taken as a base to register the impugned ECIR and thereafter FIR No.11191042250022 of 2025 dated 23.01.2025 lodged with Satellite Police Station, Ahmedabad was registered subsequently and therefore, such FIR was merged into the very ECIR.

2.4 Ld. senior counsel further submitted that the investigation agency alleges against the applicant that, the applicant has knowingly indulged into the activity connected to the proceeds of crime and has thus committed the offence of money laundering. He has further submitted that since the applicant has been enlarged on Anticipatory Bail in the predicate offences, the present offence has been registered only with an intention to see that the applicant is not released on bail. He has further submitted that, the applicant had preferred the application for grant of regular bail in connection with the present offence. However, the same was dismissed by Ld. Court below vide order dated 02.04.2025.

2.5 Learned senior counsel further submitted that the allegations regarding the inconsistency in the statements of the applicant and his wife as regards the value of the property being Office No.1125, Binori-B, Square-3, Sindhubhavan Road, Bodakdev, Ahmedabad been cleared by the registering authority. Had the property been undervalued as per the claim of the ED, the document in question would have been impounded by the registering authority and therefore the allegation has no foundation. He has further submitted that as regards the allegations pertaining to the transactions between the applicant and Mr. Pranay Shah which had taken place through M/s. Vyomin Media Pvt. Ltd. is concerned, it was the internal arrangement between Pranay Shah and the owner of M/s. Vyomeen Media Pvt. Ltd. that the applicant has used M/s. Vyomeen Media Pvt. Ltd. and the applicant had nothing to do with the same.

2.6 He has further submitted that so far as the deposit of amount into the account of the applicant in cash is concerned, it is the case of the ED against the applicant that he did not disclose the source of that cash. Even if, the allegation is accepted at its face value, the applicant would be liable to be proceeded against as per the provisions of the Income Tax Act. Merely, non-disclosure of the source of money would not make the applicant liable to be prosecuted for an offence of Money Laundering.

2.7 He has further submitted that the prosecution wants

to implicate the applicant on the ground that the applicant's wife bank account has revealed transactions of Rs.7.40 Crores besides transactions around Rs.85 Lakhs in other two bank accounts and the said transactions pertain to the period between 2013 to 2025 and the said analysis revealed cash deposits of Rs.23.50 Lakhs, source of which is not known. The applicant's wife is employed and has her own source of earnings and if there are transactions in her bank account of Rs. 7.5 Crores during the period of 13 years, then the same could not be seen as an offence of money laundering. As per the provisions of PML Act, twin conditions would apply only in those cases where amount involved is more than Rs. 1 Crore, whereas, in the present case, the total amount involved in the predicate offences is Rs. 68.68 (Rs. 28.68 Lakhs mentioned in FIR No.1 + Rs.40 Lakhs mentioned in FIR No.2) which is less than amount of Rs.1 Crore and therefore, the rigors of twin condition under Section 45 of the PML Act would not come into play. It is further submitted that, Enforcement Directorate as stated herein-above is projecting the wrong amount to be the proceeds of crime.

2.8 He has further submitted that as per the case of prosecution the analysis of bank account of applicant's father reveals that though, he is a farmer, he is having credit of more than Rs.1 Crore as consultancy charges from Mr. Dipak Thakkar and Mr. Milan Harishbhai Mehta, who are not related to him or his profile and upon inquiring from the applicant's father, he stated that his son knows about the accounts and transactions. In this regard, it is submitted that, the applicant's father's Income Tax Return would clearly reveals his income source and

has provided consultancy services to them and therefore, there is no reason to doubt the credibility of the income source of the applicant's father. He has further submitted that , Enforcement Directorate is relying on the statements recorded under Section 50 of the PML Act which are recorded under coercion and cannot be relied at least, to deny the bail to the applicant.

2.9 He has further submitted that , allegation with regard to one MoU entered into between one Mr. Milan Harishbhai Mehta and Mrs. Kavita Langa [wife of the applicant] at the behest of the applicant regarding land which is owned by Mr. Mehta is concerned, the land in question was valued at Rs. 2 Crores and 50% share in the said land was to be transferred in favour of the wife of the applicant and for that the applicant had to pay Rs. 1.02 Crore, out of which, Rs. 30 Lakhs had already been paid in cash by the applicant to Mr. Mehta and the remaining amount was to be paid by the applicant in cheque. It is submitted that the said transaction was between two persons, who were known to each other and apart from the bald allegations, there is no material to establish and justify the allegations against the present applicant.

2.10 Learned senior counsel further submitted that the allegation with regard to seizure of Rs.20 Lakhs from the residence of the applicant, though it was informed that it belonged to his sister-in-law namely Ms. Nainaben Langa which she received from her father as he sold a parcel of land and gave the share to his daughter, it is alleged that the applicant could not explain this aspect. It is submitted that the explanation

given to the ED should get reflected in the Income Tax Returns for the next financial year and therefore, such amount is justified and legal. He has further submitted that as regards contradiction in the statements of the applicant and one Mr. Sharadendu Srivastava with regard to payment made to M/s. Jade Banquet Hall towards birthday celebration of the applicant's wife, it is submitted that it is the subject matter of investigation in which the applicant is released on anticipatory bail and no *prima facie* link is established between the applicant and the tainted money.

2.11 Learned senior counsel submitted the details of the antecedents of the applicant are as below;

1. FIR No. 11191011240257, dated 07.10.2024, DCB Police Station, Ahmedabad-City.
2. FIR No.11216008240674, dated 22.10.2024, Gandhinagar Sector-7 Police Station, Gandhinagar.
3. FIR No.11191011240284, dated 29.10.2024 DCB Police Station, Ahmedabad-City. (Sections 316(2), 318(4) of BNS-Cheating)
4. FIR No.11208055240280, dated 27.11.2024, DCB Police Station, Rajkot-City. (GST Fraud)
5. FIR No.11208055240283, dated 30.11.2024, DCB Police Station, Rajkot-City. (GST Fraud)
6. FIR No.11191042250022, dated 23.01.2025, Satellite Police Station, Ahmedabad (Section 308(2) BNS-Extortion)

2.12 Learned senior counsel further submitted that, including three offences under the G.S.T. Act, in all the cases the

applicant is granted either anticipatory bail or regular bail. He has further submitted that , during the pendency of the present application, the respondent-E.D. having concluded the investigation filed complaint u/s. 44 & 45 of PML Act. before the Hon'ble Designated Special Court on 17.04.2025.

2.13 Learned senior counsel to substantiate his arguments relies upon the following judgments:-

1. Hon'ble Apex Court judgment rendered in case of Vijay Madanlal Chaudhary Vs. Union of India reported in [2022 SCC OnLine SC 929]
2. Hon'ble Apex Court judgment rendered in case of Ranjitsing Brahmajeetsing Sharma Vs. State of Maharashtra reported in (2005) 5 SCC 294
3. Hon'ble Apex Court judgment rendered in case of Prem Prakash Vs. Union of India through The Directorate of Enforcement [Criminal Appeal No.3572 of 2024.

2.14 Learned senior counsel has further submitted that so far as the aspect of seizure of the cash worth Rs. 20 lakhs and That, for Rs.20 Lakhs and the transaction worth Rs. 30 Lakhs between Mr. Milan Harishbhai Mehta and the applicant is concerned, no predicate offence has been registered in those regards and therefore, these amounts cannot be said to be the proceeds of crime as defined under Section 2 (u) of PML Act and therefore, the applicant cannot be said to have committed an offence of money laundering as defined in Section 3 of the Act. Therefore, the amount which can be alleged to be proceed of

crime at this stage, does not exceed Rs. 1 Crore and therefore, the rigors of the twin conditions of Section 45 of the Act would not come into play. The provision of Section 45 itself is very clear as it provides for grant of bail to an accused who is not involved in the offence of money laundering of the amount in excess of Rs. 1 crore.

2.15 He has further submitted that though under Section 24 of the Act, the presumption is against the accused and it is required to be rebutted by the accused, the said presumption cannot be baseless. It is incumbent upon prosecution to show a *prima facie* case against the accused to bring the provision under Section 24 into play. In the present case, since there is no predicate offence registered against the applicant as regards the amount of Rs. 50 lakhs, there is no *prima facie* case against the applicant and therefore, there can be no presumption drawn against the applicant under Section 24 of the Act. That the judgements sought to be relied upon by the other side are not relevant to the facts of the present case as those cases related to the offence either involving crores of rupees or drug paddlers, people running gangs for conduct of illegal activities, money laundering during the demonetizations, fraud against the public money etc. No such element is involved in the present case.

2.16 It is further submitted that presumption of Innocence is a human right. Even in the offence under the PML Act, the basic principle of bail is rule and jail is exception, would apply. The court has to see the broad probability of the guilt of the accused. There is no need at this stage for recording a positive

finding about the guilt of the accused. The court is not supposed to see the evidence meticulously at this stage. He has further submitted that the statement of Ms. Nainaben Langa dated 18th June, 2025 had been recorded by the agency under duress. She is not conversant with any other language than Gujarati. Apparently, the questions were put to her in Hindi which were explained to her in Gujarati by the interpreter engaged by the agency. It is clear from the record that the said interpreter was not well conversant with Hindi as well as Gujarati and therefore, the said statement was not accurately recorded. Hence, the statement in question cannot be relied upon against the applicant.

2.17 Learned senior counsel has further submitted that, the applicant is reputed journalist and permanent resident of the city and not likely to flee away from justice and not at flight risk since the passport of the applicant is already with the investigation agency. Therefore, considering the allegations and nature of offence the present applicant may be enlarged on bail subject to suitable conditions.

3. Learned senior counsel and Advocate General Shri Kamal Trivedi appearing for the Respondent has submitted that the predicate offence and the offence under the provisions of the PML Act are different and distinct from each other. Predicate offence may be a cognizable offence or a non-cognizable offence or may be compoundable and bailable, where the question of bail would not arise. Nonetheless, the offence under PML Act can be registered and grant of anticipatory bail in a predicate offence by

itself would not entitle the accused for being enlarged on bail in the offence under the PML Act.

3.1 He has further submitted that the process of registration of an offence as regards the amount of Rs. 20 lakhs and Rs. 30 lakhs is already in progress as the respondent has already had a communication with the concerned authorities in this regard. Therefore, it is not correct on the part of the applicant to contend that since there is no predicate offence with regard to these amounts, the same cannot be considered as the proceeds of crime and therefore, the threshold of Rs. 1 Crore as required under the proviso of Section 45 of the Act is not crossed. There are other series of transactions and the investigation is still going on and is not completed finally.

3.2 He has further submitted that the applicant while being behind the bars is tutoring the witnesses as the witness Nainaben Langa's statement was recorded on 18.06.2025. The applicant has an audacity to file an affidavit under the signature of his advocate on 07.07.2025 producing the affidavit of Ms. Naina Langa wherein she has retracted from her statement recorded by the agency on 18.06.2025. The applicant appears to be on a driver's seat regulating everything, his father's account, his wife's account, his sister-in-law's account, his brother's account and has an audacity to say that it may be an un-accounted money. He has further submitted that the applicant is not in custody since last 10 months in connection with the present offence. He is arrested in connection with the present offence on 20.02.2025.

3.3 Learned AG submitted that, the PML Act defines the term investigation in Section 2(na), which reads as under;

Section 2(na) :-

“investigation” includes all the proceedings under this Act conducted by the Director or by an authority authorised by the Central Government under this Act for the collection of evidence;

3.4 He has further submitted that the Hon’ble Apex court has stated that the scope of investigation is much wider under the PML Act than the scope under the Criminal Procedure Code. Here what is important is deriving ill-gotten, illegal money. The predicate offence and its nature will not cast its shadow over the offence under the PML Act. So, the proceeds of crime are nothing but generation of money may be accounted or unaccounted out of the predicate offence or in any other illegal manner, will be a matter of offence under the PML Act.

3.5 He has further submitted that , reliance was sought to be placed on the judgment of the Apex Court rendered in case of Arvind Kejriwal Vs. Directorate of Enforcement reported in [(2025) 2 SCC 248]. In the said case, the Apex Court was examining the issue of validity of arrest of the petitioner before it. Therefore, the principles laid down by the Apex Court in that case would not be applicable to the facts of the present case.

3.6 He has further submitted that as per the provisions of the PML Act, the burden to prove that the amount involved in

the offence is not the proceeds of crime, is on the accused as per the provision of Section 24 of the Act. The applicant has miserably failed in discharging the said burden. There is the presumption as the proceeds of crime at the first instance it cannot be rebutted. The burden has to be discharged by the applicant that he is not committed the offence in question.

3.7 It is further submitted that under the provisions of Section 66 (2) of the Act, duty is casted upon the Director or any other authority specified in this regard to furnish the information to the relevant agency, if the available information gives reason to believe contravention of any law. In the present case, on the basis of information with the respondent, the amount of Rs. 20 lakhs, which was seized from the house of the applicant and the transaction worth Rs. 30 lakhs between the applicant and Mr. Milan Harishbhai Mehta are suspected to be the proceeds of crime and therefore, a necessary communication in this regard has also been addressed to the concerned police authority. So, one cannot argue that if there is no FIR and predicate offence, the PML Act would not apply to the case of the present applicant.

3.8 Learned AG further submitted that as regards transaction of Rs.23 Lakhs, the statement under Section 50 of the PML Act of Mr. Pranay Shah had been recorded on 27.11.2024, wherein he has stated that the applicant has committed fraud and breach of trust inasmuch as he told that he wanted to purchase an office for his brother for which he required money in cash, but wanted white money of Rs.23 Lakhs, which would be treated as “consultancy charges” and would pay back in cash. Accordingly, Mr. Pranay Shah arranged

to pay Rs.23 lakhs to the applicant through the account of M/s. Vyomeen Media Pvt.Ltd. of one of his friends Mr. Darshan Chandrakant Shah and though the applicant assured that he would return the said amount in cash, he did not pay and upon being asked to repay the said amount, applicant started blackmailing by saying that he has got good contacts in newspapers and higher officials and that if Mr. Pranay Shah insisted upon repayment of money, the applicant would print negative news about him and his clients and damage his business. Further, the statement of the wife of the applicant recorded on 21.10.2024 under Section 50 of PML Act, which reflects that the Office No.1125, Binori-B, Square-3, Sindhubhavan Road, Bodakdev, Ahmedabad, was purchased in the year 2024 in her name for consideration of Rs.75-80 lakhs and she stated that, all the transactions, in her personal bank accounts, were managed by her husband Mr. Mahesh Langa. In this regard, the statement of the applicant recorded under Section 50 of the Act on 08.02.2025 which also requires consideration. The applicant in the said statement has stated that the said amount of Rs.23 Lakhs was received towards the free-lancing services rendered by the applicant to M/s Khushi Advertising Ideas Pvt. Ltd. for the period from 2021 to 2024, and the applicant is not aware why the payment was made through M/s. Vyomeen Media Pvt.Ltd. and that Mr. Pranay Shah asked him to raise invoice in the name of M/s. Vyomeen Media Pvt. Ltd., and that the said amount was used for purchase the office bearing No.1125, Binori-B, Square-3, Sindhubhavan Road. Ahmedabad, in the name of his wife Mrs. Kavita Langa for around Rs.29-30 Lakhs. Thus, there is material contradiction in

the statements of the wife of the applicant and his own statement as regards value of the property.

3.9 Learned AG further submitted that Mr. Pranay Shah in his statement dated 27-11-2024 has stated that the applicant asked him to adjust the invoice of Jade Banquet towards the celebration of his wife Mrs. Kavita Langa's birthday on 27.09.2024 and that the applicant told him that the applicant would pay the said amount back to him in cash. However, the applicant never returned the said amount till date.

3.10 Learned AG further submitted that, Mr. Shardenu Srivastava – Director – Operations, Jade Banquet, in his statement dated 20th February, 2025 stated that Mr. Pranay Shah booked the banquet for the applicant for celebrating his wife's birthday on 27.09.2024 and the total invoice was to the tune of Rs.5,77,250/- and that Mr. Pranay Shah made the payment to Jade Banquet by way of adjustment of his credit balance. Whereas, in this regard, the applicant in his statement stated that the amount is incorrect and that as the owner of Jade Banquet knows Mr. Pranay Shah, no charge was required to be paid for the same but only catering charges of around Rs.75,000/- were required to be paid.

3.11 Learned AG further submitted that another witness Mr. Janak Arjunbhai Thakore in his statement dated 15.02.2025 has stated that the applicant lured him by claiming that the applicant would help him with land matters through his contacts and promised to boost his image / reputation by featuring him

in stories, which was even done once in a story about Gift City, Gandhinagar, published in "*The Hindu*" newspaper in the month of January, 2024 and for the said services, he had paid Rs. 20 Lakhs in cash to the applicant. Further, it has been stated that after the said publication, the demands of the applicant escalated and the applicant started threatening and demanding further payment of Rs.20 Lakhs, failing which negative/false articles will be published. Thus, under the threat, after borrowing the said amount from his friend Mr. Rajesh Bhikhaji Thakor, Mr. Janakbhai Arjunbhai Thakore paid Rs.20 Lakhs in cash to the applicant. There is a complete denial to this by the applicant. He however, accepts having met Mr. Janak Arjunbhai Thakore.

3.12 Learned AG further submitted that Mrs. Kavita Langa, the wife of the applicant in her statement dated 21-10-2024 has stated that the amount of Rs. 20 lakhs which was seized from the house of the applicant, was gifted to her by Ms. Naina Langa who had received the said amount from her father who had sold a parcel of land. Whereas, Ms. Naina Langa in her statement has stated that she had never given any money to the wife of the applicant nor did she engage in any financial transaction with the applicant. She also has no information about her father having disposed of any parcel of land. To the contrary, the applicant in his statement has stated that the amount in question belonged to his sister-in-law Naina Langa and she given it to him for safe custody.

3.13 Learned AG then referred to the statement of one Mr.

Milan Harishbhai Mehta who in his statement dated 27-11-2024 wherein he has stated that at the behest of the applicant, an MoU was entered into between him and the applicant's wife, whereunder, 50% share in the land bearing Survey No.189/2, owned by him was agreed to be sold in favour of Applicant's wife Mrs. Kavita Langa for the consideration of Rs. 1.04 Crores (actual value being of Rs.2 Crores), against which the applicant had paid an amount of Rs.30 Lakhs in cash, with an assurance to pay the remaining amount of Rs.72 lakhs through cheques, and details of the said cheques were already referred to in the MoU. In his further statement dated 23.06.2025, Mr. Milan Harishbhai Mehta stated that, the said cash amount of Rs.30 lakhs was returned by him to the applicant in the last week of September-2024 as the deal could not go through since the applicant was not able to pay remaining amount by cheques. Whereas, the applicant stated in his statement that the deal could not go through as the said Mr. Milan Harishbhai Mehta failed to handover possession of the property to him.

3.14 Learned AG submitted that, there is contradiction between the versions of the applicant and his wife as regards consideration paid for purchase of the Office No.1125, Binori-B, Square-3, Sindhubhavan Road, Ahmedabad and as ascertained, the value of the office was Rs.70.44 lakhs. The differential amount of Rs.41 lakhs (i.e. Rs. 74.44 lakhs -Rs.29.00 lakhs) must be the cash component. That, the cheque amount taken from Mr. Pranay Shah and the cash amount extorted from Mr. Janakbhai Arjunbhai Thakore was utilized by the applicant towards the purchase of the aforesaid office premises in the

name of the applicant's wife Mrs. Kavita Langa.

3.15 Learned AG submitted that, the financial transaction of Rs.5,68,250/- between the applicant and Mr. Pranay Shah proves that, the proceeds of crime were fraudulently generated by the applicant. Learned AG submitted that from the statements recorded and investigation carried out by the investigation agency, it was observed that the applicant was involved in obtaining proceeds of crime by way of cheating and extortion of money from unsuspecting individuals using his media influence. Thus, the applicant channelized the proceeds of crime obtained towards acquisition of property in the name of his wife Mrs. Kavita Langa.

3.16 Learned AG further submitted that from the statement of Mrs. Naina Manhar Langa, dated 18.06.2025, it clearly appears that the applicant is just framing fake story to conceal the true/real source of money i.e. Rs.20 lakhs seized from the house of the applicant, which is earned by him by committing scheduled offences in the form of illegal activities of extortion and cheating and the same is the proceeds of crime. That, there is a gap of about 8 months from the date of sale (i.e. January-2024) of the property by Mr. Lakhabhai Samdabhai Ghanghaniya, father of Mrs. Nainaben Langa and the date (Sep-2024) on which the cash amount was given to her as a share by her father, which raises suspicion and seems to be an after-thought to mask the real source of money. The Income Tax Returns of the Applicant and his wife show cash balance Rs. 55,000/- and Rs.50,240/- respectively for the last 6 financial

years. That, the retraction of Mrs. Naina Manhar Langa produced by the applicant, signed by his advocate is belated and after-thought.

3.17 Learned AG further submitted that the amount of Rs.30 Lakhs initially paid by the applicant to Mr. Milan Harishbhai Mehta was extortion money collected by threatening individuals to harm their business operations and implicate them in false cases and that the said amount was given back by Mr. Milan Harishbhai Mehta and is currently lying with / in possession of the applicant, which is nothing but proceeds of crime earned through illegal activity of extortion. That, the cash balance and cash in hand with the applicant and his wife, as per their respective Income Tax Returns of last 6 Financial Years is nominal and nowhere near the amount Rs.30 lakhs, which was given to Mr. Milan Harishbhai Mehta.

3.18 Learned AG further submitted that the PML Act leaves free room for the investigating authority as a complaint can be filed with regard to anything which is related to proceeds of crime and comes to be noticed during the course of investigation. He has further submitted that there is huge discrepancy in the Cash balance and Annual Income of the present applicant and his wife and his father and Agricultural Income of the father of the applicant of last six years.

3.19 He has further submitted that in this regard the Enforcement Directorate, has sent a communication on 24.06.2025 to the jurisdictional Police Authorities under Section

66(2) of the PML Act, 2002, *inter-alia* informing about the material available with it. The concerned authorities have been asked to take necessary action with regard to the amount of Rs. 30 lakhs and Rs. 20 lakhs which is unaccounted for. The necessary orders for the provisional attachment of those amounts has also been passed by the respondent.

3.20 Learned AG further submitted that the contentions raised as regards inapplicability of the twin conditions under the proviso of Section 45 of the Act because of the amount involved being less than Rs.1 Crore is factually and legally incorrect. However, facts remains that the total proceeds of crime in the present case are clearly more than Rs.1 Crore i.e. Rs.1,18,68,250/-.

3.21 He has further submitted that apart from what is mentioned hereinabove, the propensity of the applicant to indulge into the commission of offences is writ large from similar such transactions, some of which are set out hereunder, which would require further investigation, more particularly, in the context of recent revelations referred to herein above:-

1. Deposit of cash amount to the tune of Rs.3.45 Lakhs by the applicant in his own bank account in HDFC Bank, alleged to be the receipt by him for doing free lancing services, though the applicant had admitted that, his free-lancing activities were confined only to Mr. Pranay Bharatkumar Shah for his company M/s. Khushi Advertising Ideas Pvt. Ltd.

2. In addition to the above, deposit of cash amount of Rs.1.32 Lakhs by the applicant in another bank account with SBI and Rs.4.50 Lakhs by the applicant in the account of Applicant's wife with ICICI Bank.
3. Transfer of Rs.55 Lakhs, claimed to be agricultural income of the applicant's father Shri Prabhudan Langa, under the advice/instructions of the applicant, to M/s. D.A. Enterprise, a partnership firm where Mrs. Kavita Langa, the applicant's wife and Mr. Manoj Langa, are equal partners.
4. Transaction relating to credit and debit entries of Rs.65 Lakhs between Shri Milanbhai Harishbhai Mehta and M/s. D. A. Enterprise, alleged to be transferred as interest free loan, once again under the instructions of the applicant and the applicant stated to be guarantor.
5. Transaction relating to credit and debit entries of huge amounts to the tune of Rs.1.07 Crores between Shri Milanbhai Harishbhai Mehta and Mrs. Kavita Langa, applicant's wife, without any proper disclosed reasons.

3.22 Pertinently, the above-referred value of transactions dealt with by the applicant herein, with his active participation, and without having any genuine reasons, is liable to be considered as proceeds of crime, considering the totality of the crime. It is further stated that the applicant's claim to the effect that "twin condition are satisfied" is a self-serving statement and

must be evaluated objectively by this Hon'ble Court based on material on record from which, the above referred instances are clearly discernible.

3.23 Learned Advocate General Placed reliance on following authorities;

1. M/s. McDowell & Co. Limited Vs. Commercial Tax Officer [(1985)3 SCC 230]
2. Vijay Madanlal Choudhary and Ors. Vs. Union of India and Ors. [(2023) 12 SCC 1]
3. Tarun Kumar Vs. Assistant Director, Directorate of Enforcement [2023 SCC OnLine SC 1486]
4. Manish Sisodia Vs. Central Bureau of Investigation [2023 SCC OnLine SC 1393]
5. Manish Sisodia Vs. Directorate of enforcement [2024 SCC OnLine SC 1920]
6. Prem Prakash Vs. Union of India through The Directorate of Enforcement [(2024)9 SCC 787]
7. Pradeep Nirankarnath Sharma Vs. Directorate of Enforcement and anr. [2025 SCC OnLine SC 560]
8. Lovee Narula Vs. Directorate of Enforcement [2025 SCC OnLine Del 437]
9. Lovee Narula Vs. Directorate of Enforcement [SLP (Cri.) Diary No.5434/2025]
10. Aditya Krishna Vs. Directorate of Enforcement [2025 SCC OnLine Del 435]
11. Arvind Kejriwal Vs. Directorate of Enforcement [(2025) 2 SCC 248]
12. Rohit Tondon Vs. Directorate of Enforcement [(2018)

11 SCC 46]

13. Nimmagadda Prasad Vs. Central Bureau of Investigation [(2013) 7 SCC 466]
14. Religare Finvest Ltd. Vs. State of NCT of Delhi and anr [(2021)2 HCC (Del) 535]
15. Union of India through the Assistant Director Vs. Kanhaiya Prasad [2025 SCC OnLine SC 306]

3.24 Learned AG finally submitted that the applicant has failed to satisfy the twin conditions provided under section 45 of the PML Act. Burden of proof has not been discharged by the applicant as per Section 24 of the PML Act. The offence has crossed the threshold limit of Rs. 1 Crore as provided under the proviso of Section 45 of the PML Act. Offence of PML Act is absolutely independent from the Scheduled Offence and mere grant of anticipatory bail in predicate offence, does not entitle the applicant to be enlarged on bail as a matter of right. The applicant is admittedly arrested under the PML Act on 20.02.2025 and the custody period is only of 5 months. Finally, the applicant ought to have mentioned before this Court that he has approached the Apex Court in connection with the present proceedings on 08.07.2025 by filing Special Leave Petition. The applicant has intentionally held this fact back from this court.

4. Learned Additional Advocate General Mr. Mitesh Amin appearing for the Respondent – State submitted that considering the nature of the offence and allegation against the applicant and considering that, the applicant is the influential person, having to his credit several other antecedents. During

investigation Mr. Lakhabhai the father of Mrs. Nainaben Manhar Langa and Mr. Prabhudan Langa the father of the applicant, have not responded to repeated summonses issued to them by the investigating agency. Considering that the investigation is still going on, the application may not be entertained and may be dismissed.

5. Heard learned senior counsel appearing for the respective parties at length.

6. From the record appears that in the offence being C.R.No.11191011240284 of 2024 came to be registered against the present applicant with DCB Police Station, Ahmedabad City, for the offences punishable under Section 316(2) and 318 of the BNS, on 29.10.2024. The F.I.R. in that offence was lodged by one Mr. Pranay Shah. It is alleged in the F.I.R. that the present applicant had approached him by saying that he wanted to purchase the office and therefore, he is in need of the amount of Rs.23 Lakhs and had therefore asked the said Mr. Pranay Shah to give him the amount of Rs.23 Lakhs in cash which would be treated as consultancy charges and it was promised by the present applicant that he would repay the said amount immediately. The said Mr. Pranay Shah had, therefore, arranged for payment of Rs.23 Lakhs to the present applicant through M/s. Vyomin Media Pvt. Ltd. which was run by one Mr. Darshan Shah. Though, promised about repayment, since the applicant did not repay the said amount, said Mr. Pranay Shah had asked the present applicant for repayment of the said amount. However, instead of repaying the said amount, the applicant

herein had threatened the said Mr. Pranay Shah that if he insisted upon repayment of aforesaid amount, the applicant would get a negative news published in the media against him which would tarnish the image of the applicant as well as his business. It is further alleged in the said F.I.R. that the applicant herein had arranged birthday celebration of his wife on 27.09.2024 in M/s. Jade Banquet Hall. The booking in that regard was made by the said Mr. Pranay Shah and total bill for the said celebration was Rs.5,77,250/- which was paid by said Mr. Pranay Shah by adjusting it against his credit balance. The applicant did not repay this amount also though it was promised by him that he would repay the said amount in cash. Thus, the amount involved in the said F.I.R. comes to Rs.28,68,000/-.

7. Another F.I.R. came to be lodged against the present applicant with Satellite Police Station, Ahmedabad for the offence punishable under Section 308(2) of the BNSS which was lodged by one Mr. Janak Arjunbhai Thakore. It is alleged in the said F.I.R. that he was allured by the present applicant by stating that he would help him in getting the land matters settled through his influence and had also promised that the applicant would help him in boosting his image and reputation by getting positive news about him published in the media. One such news item was also published in the newspaper namely, The Hindu on 26.01.2024 and thereafter, the said Mr. Janak Arjunbhai Thakore had paid amount of Rs.20 Lakhs to the present applicant. It is the case of the first informant that thereafter, the applicant had started raising demands for more money and have demanded further amount of Rs.20 Lakhs.

Since he did not pay the said amount to the applicant, he was threatened by the applicant that if he did not pay Rs.20 Lakhs to the applicant, he would tarnish his image as well as image of his business by getting negative and false articles published against him and therefore, the said Mr. Janak Arjunbhai Thakore had paid another amount of Rs.20 Lakhs to the present applicant. Thus, said Mr. Janak Arjunbhai Thakore had paid amount of Rs.40 Lakhs in total to the present applicant. The fact of registration of two offences with the aforesaid facts indicate that the applicant was involved in the activity of extortion.

8. It is the case of prosecution that the amount so received by the present applicant from the aforesaid two offences had been invested by him by purchasing office premises in the name of his wife. The record indicates that the office premises bearing No.1125, Binori-B, Square-3, Sindhubhavan Road, Bodakdev, Ahmedabad had been purchased by the applicant in the name of his wife i.e. Mrs. Kavita Langa. The Investigating Agency has recorded the statement of wife of the present applicant, namely, Mrs. Kavita Langa on 21.10.2024, wherein she has stated that the said property was purchased for consideration of Rs.75 to Rs.80 Lakhs whereas the applicant in his statement dated 08.02.2025, has stated that the amount of consideration for the said property was around Rs.29 to Rs.30 Lakhs. The additional amount of around Rs. 45 to 50 lakhs was the cash component for payment of amount of consideration and the same was met with from the money derived from the aforesaid two offences.

9. On the basis of the said information, present ECIR came to be registered against the present applicant for commission of offence in question. On 07.10.2024, the search was conducted in the house of the present applicant and during the said search, the cash amount of Rs.20 Lakhs was found from the house of the present applicant. The applicant in his statement dated 27.02.2025 has sought to explain about the same by stating that his sister-in-law, namely, Mrs. Naina Manhar Langa had received the said amount from her father as he had sold a parcel of land and from the amount of consideration, he had paid the share of Mrs. Naina Manhar Langa to her. The said Mrs. Naina Manhar Langa had handed over the said amount of Rs.20 Lakhs to the present applicant for the purpose of safe custody.

10. The statement of Ms. Kavita Mahesh Langa, wife of the present applicant was recorded on 25.10.2024, wherein she has stated that the said amount of Rs.20 Lakhs was gifted to her by Mrs. Naina Manhar Langa. Interestingly, Mrs. Naina Manhar Langa in her statement dated 18.06.2025, has denied of her having been engaged in any financial transaction with the present applicant nor she had extended any amount to the present applicant towards loan. She has also denied her having gifted the amount of Rs.20 Lakhs to the wife of the present applicant i.e. Mrs. Kavita Mahesh Langa. Thus, the information provided by the applicant about the source of the said amount appears to be an eye wash. The fact that the applicant as well as his family members have provided absolutely contradictory information about the same, brings the said amount under the

cloud of suspicion. This conduct on the part of the applicant shows that he is concealing the information about the actual source of the said money. Had the source been legal, there was no reason for the applicant to furnish the information which was apparently untrue.

11. On 27.11.2024, the statement of Mr. Milan Harishbhai Mehta was recorded by the Investigating Agency wherein he has stated that a Memorandum of Understanding (MoU) had been entered into between the himself and the wife of the present applicant at the behest of present applicant, wherein it was understood that 50% share of the land bearing Survey No.189/2 which was owned by the said Mr. Milan Harishbhai Mehta will be sold to the wife of the applicant i.e. Mrs. Kavita Langa for consideration of Rs.1.40 Crores. The market value of the said land was Rs.2 Crores. The applicant had paid the amount of Rs.30 Lakhs in cash to the said Mr. Milan Harishbhai Mehta and remaining amount of Rs.72 Lakhs was agreed to be paid to the said Mr. Milan Harishbhai Mehta by the present applicant through cheques, the details of which had been incorporated in the MoU. Since the deal was incomplete, Mr. Milan Harishbhai Mehta had paid Rs.30 Lakhs back to the present applicant in cash. The applicant in his statement dated 20.02.2025 has stated that it was understood that the cheques worth Rs.72 Lakhs would be encashed at the time of execution of sale-deed and handing over the possession of the property. However, since Mr. Milan Harishbhai Mehta failed in handing over the possession of the land, the deal could not go through.

12. It is the case of the respondent that having regard to the Income Tax Return filed by the present applicant and his wife, there was no cash available on hand with them, which would enable him to make payment of Rs.30 Lakhs in cash to the said Mr. Milan Harishbhai Mehta. After the said amount was repaid by Mr. Milan Harishbhai Mehta to the present applicant, the same was in possession of the present applicant. Having regard to these facts, source of money has not been disclosed by the present applicant. It was believed that the said amount was collected by the present applicant through extortion. It is sought to be contended on behalf of the present applicant that the amount of Rs.20 Lakhs and Rs.30 Lakhs may be unaccounted money and the applicant may be liable to be proceeded against the provisions of Income Tax Act. However, the said money being unaccounted by itself would not make the applicant liable for prosecution under the provisions of the Prevention of Money Laundering Act, 2002 (the PML Act). At best he can be said to have violated the provisions of the income Tax Act. At this stage, conduct on the part of the present applicant in furnishing the information as regards the said amount requires consideration. Qua the amount of Rs.20 Lakhs, as discussed herein above, it is sought to be explained by the applicant by saying that the said amount was handed over to him by his sister-in-law, namely, Mrs. Naina Manhar Langa whereas the wife of the present applicant in her statement has stated that the said amount was given to her as gift by said Mrs. Naina Manhar Langa and Mrs. Naina Manhar Langa has actually denied of being engaged in any financial transaction with the present applicant. She has also denied of her having gifted any amount to the wife of the

present applicant i.e. Mrs. Kavita Langa. She has further stated that she is not aware about her father having disposed of any parcel of land. Thus, the contradictory information has been provided by all three persons as regards the source of the amount of Rs.20 Lakhs. Therefore, the authorities in question appears to be right in believing that the said amount had been derived by the present applicant through illegal means of extortion. Similarly, as regards the amount of Rs.30 Lakhs involved in Mr. Milan Harishbhai Mehta, the applicant in his statement has stated that as the deal could not go through, the said Mr. Milan Harishbhai Mehta could not hand over the possession of property whereas Mr. Milan Harishbhai Mehta has stated in his statement that the deal did not go through because the applicant could not pay remaining amount of Rs.72 Lakhs by cheques as mentioned in the MoU. Thus, the applicant is not coming out clean as regards the aforesaid amount and information provided by him upon being tallied with the other records. Therefore, the applicant cannot simply get away by saying this is merely a case of non-disclosure of source of income. The aforesaid conduct on the part of the applicant raises serious doubts about these amounts being proceeds of crime.

13. It is sought to be contended on behalf of the applicant that two F.I.R.s which are referred to herein above are pertaining to the amount of Rs.68.68 Lakhs. The respondent authorities, only with a view to see that the threshold of Rs.1 Crore as provided under the provisions of Section 45 of the PML Act is crossed, has brought the amount of Rs.50 Lakhs in picture without there being any predicate or schedule offence

being registered against the present applicant. For making out an offence punishable under Section 3 of the PML Act, the money in question is required to be the proceeds of crime.

14. The term of proceeds of crime has been defined in Section 2(u) of the Act, which reads as under: -

“Section 2(u) :- *“proceeds of crime” means any property derived or obtained, directly or indirectly, by any person as a result of criminal activity relating to a scheduled offence or the value of any such property [or where such property is taken or held outside the country, then the property equivalent in value held within the country] [or abroad];*

[Explanation- For the removal of doubts, it is hereby clarified that “proceeds of crime” include property not only derived or obtained from the scheduled offence but also any property which may directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence;]

15. It is sought to be canvassed by the applicant that there being no predicate or scheduled offence registered against the present applicant for the amount of Rs.50 Lakhs, the same cannot be said to have been derived as a result of criminal activity and therefore, the said amount Rs.50 Lakhs is not a proceeds of crime and therefore, no prosecution under the provisions of PML Act can be lodged against the present applicant with regard to the said amount and hence, as per the

case of prosecution itself, the amount which is derived by the present applicant by resorting criminal activity is merely Rs.68.68 Lakhs and therefore, twin condition provided for in Section 45 of the Act would not apply in the case of the applicant as the threshold of Rs.1 Crore having not been crossed. Therefore, the applicant is entitled to be enlarged on bail.

16. In this regard, the provisions of Section 66(2) of the PML Act, is required to be referred to, which provides as under:-

“Section 66(2) : If the Director or other authority specified under sub-section (1) is of the opinion, on the basis of information or material in his possession, that the provisions of any other law for the time being in force are contravened, then the Director or such other authority shall share the information with the concerned agency for necessary action.”

17. The Hon’ble Supreme Court in its judgment rendered in the case of Vijay Madanlal Choudhary vs. Union of India (supra) in Para – 163, has observed as under :-

“In case the scheduled offence is not already registered by the jurisdictional police or complaint filed before the Magistrate, it is open to the authorised officer to still proceed under [Section 5](#) of the 2002 Act whilst contemporaneously sending information to the jurisdictional police under [Section 66\(2\)](#) of the 2002 Act for registering FIR in respect of cognizable offence or report regarding non-cognizable offence and if the jurisdictional police fails to respond appropriately to such information, the authorised

officer under the 2002 Act can take recourse to appropriate remedy, as may be permissible in law to ensure that the culprits do not go unpunished and the proceeds of crime are secured and dealt with as per the dispensation provided for in the 2002 Act. Suffice it to observe that the amendment effected in 2015 in the second proviso has reasonable nexus with the object sought to be achieved by the 2002 Act.”

18. The record indicates that the respondent herein vide Communication dated 24.06.2025 has drawn attention in this regard of the police authorities and has also asked the concerned authorities to take appropriate action in that regard. Thus, the mechanism is provided in Section 66(2) of the Act to take care of such eventualities. The provisions of PML Act, as observed by the Apex Court in the above decision, allows the authorities concerned for issuance of provisional attachment order of the property in question which is suspected to be proceeds of crime, without there being a schedule offence registered in that regard. In the present case also, such provisional attachment order has already been issued by the authorities in question as regards the amount of Rs.50 Lakhs.

19. It is required to be noted that there are several offences registered against the present applicant and the details of which are as under:-

Sr. No.	FIR No. And date	Police Station	Offences
1	11191011240257,	DCB Police Station,	Section

	dated: 07.10.2024	Ahmedabad City	420,467,468,471,474,120(B) of the IPC
2	11216008240674 dated: 22.10.2024	Gandhinagar Sector – 7 Police STation	Sec.316(5), 303(2), 306, 61(2) of BNS & Sec.7(a),8,12,13(1) (a), 13(2) of the Prevention of Corruption Act
3	11191011240284 dated: 29.10.2024	DCB Police Station, Ahmedabad City	Sec. 316(2) & 318 of BNS
4	11208055240280 dated 27.11.2024	DCB Police Station, Rajkot City	Sec. 420, 465, 467, 468, 471, 474, 120(B) of IPC
5	11208055240283 dated: 30.11.2024	DCB Police Station, Rajkot City	Sec. 420, 465, 467, 468, 471, 474, 120(B) of IPC
6	11191042250022 dated: 23.01.2025	Satellite Police Station, Ahmedabad	Sec. 308(2) of BNS
7	ECIR/AMZO/20/2024 Dated: 26.11.2024	Assistant Director, ED, Ahmedabad	Sec. 3 & 4 of Prevention of Money Laundering Act, 2002

20. As noted herein above, it is contended on behalf of the applicant that since the threshold of Rs.1 Crore is not crossed, the applicant is entitled to be enlarged on bail. At the cost of repetition, it is required to be noted that intimation as regards the amount of Rs.50 Lakhs has already been given by the respondent department to the police authorities for taking necessary action. Therefore, merely because there being no predicate offence, it cannot be said that the amount of Rs.50 Lakhs cannot be said to be proceeds of crime.

21. The record also indicates that several transactions in cash have been noticed from the account of the applicant, his wife and his father but the source of which, has not been explained by the present applicant. Even if, argument of the

applicant is accepted at its face value, still the fact of threshold of Rs.1 Crore having not been crossed, by itself would not entitle the applicant to be enlarged on bail as a matter of right. It would still be the discretion of the Court whether to grant bail to the applicant or not and the other factors usually required to be taken into consideration while deciding the bail application like seriousness of offence, antecedents etc. and other material available on record would be required to be taken into account while taking decision as regards the release of the applicant on bail.

22. The conduct on the part of the applicant is also required to be taken note of while deciding the present application. As discussed earlier as regards the amount of Rs.20 Lakhs which had been seized from the house of the present applicant, the contradictory statements have been given by the applicant, his wife i.e. Mrs. Kavita Langa and his sister-in-law – Mrs. Naina Manhar Langa. What is more important to be noted is the fact that Mrs. Naina Manhar Langa in her statement dated 18.06.2025 has denied the claims made by the applicant and his wife in their respective statements as regards the amount of Rs.20 Lakhs. The applicant while being in custody made the said Mrs. Naina Manhar Langa retract from her statement dated 18.06.2025 and an affidavit affirmed by the said Mrs. Naina Manhar Langa on 02.07.2025 is filed on the record of this Court. In the said affidavit, she has stated that the amount of Rs.20 Lakhs was handed over by her to the present applicant as she had received the amount of Rs.20 Lakhs from her father. She has further stated that the environment in which her statement

was recorded on 18.06.2025, was not conducive to free and voluntary deposition. She was placed under duress and instructed regarding what she should state. She has further stated that the contents recorded by the Enforcement Directorate were not accurately translated or explained to her. It is pertinent note that the said Mrs. Naina Manhar Langa did not utter a word about her statement dated 18.06.2025 not being recorded in conducive atmosphere or that she was under duress or that she was not explained the contents of statement accurately. It was only in the form of an affidavit dated 2nd July, 2025 that she has come out with these facts. It is also required to be noted that father of the said Mrs. Naina Manhar Langa despite being repeated summons issued by the authority, has not remained present before the authority for giving his statement. It is the case on the part of the present applicant that the amount of Rs.20 Lakhs was given to Mrs. Naina Manhar Langa by her father towards her share from the amount, which was received towards consideration from selling of parcel of land. Similarly, the father of the applicant has also not appeared before the authority for recording his statement despite being summoned repeatedly. The other witness namely, Mr. Milan Harishbhai Mehta had appeared before the authority once and thereafter, he has avoided to appear before the authority under the one or the other pretext. These instances indicate that the witnesses in question have been influenced by the present applicant while he being in custody.

23. As per the provisions of Section 45 of the Act, accused can be released on bail, if the Court is satisfied that

there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while being on bail.

24. Recently, the Apex Court in its judgment rendered in case of Union of India vs. Kanhaiya Prasad reported in [2025 SCC Online SC 306], in Para 20 has observed as under:-

“The High Court has utterly failed to consider the mandatory requirements of Section 45 and to record its satisfaction whether any reasonable ground existed for believing that the respondent was not guilty of the alleged offence, and that he was not likely to commit any offence while on bail. Merely because the prosecution complaint had been filed and the cognizance was taken by the court that itself would not be the ground or consideration to release the respondent on bail when the mandatory requirements as contemplated in Section 45 have not been complied with.”

25. The Hon’ble Apex Court in its judgment rendered in Vijay Chaudhary (supra) referring two judgments of Hon’ble Supreme Court rendered in the case of Ranjitsing Brahmjeetsing Sharma vs. State of Maharashtra and Another, has observed that *“Similarly, the Court will be required to record a finding as to the possibility of his committing a crime after grant of bail. However, such an offence in futuro must be an offence under the Act and not any other offence. Since it is difficult to predict the future conduct of an accused, the court must necessarily consider this aspect of the matter having regard to the antecedents of the accused, his propensities and the nature and manner in which he is alleged to have committed the offence.”*

26. Having regard to the facts and material available on record, it would be difficult for this court to record a finding to the effect that the applicant is not guilty of the present offence. Moreover, as stated herein above, the applicant is having number of antecedents and therefore, it is also difficult for this Court to come to the conclusion that the applicant will not commit any offence while on bail. There are all chances that if the applicant is ordered to be enlarged on bail, he may cause prejudice to the case of the prosecution.

27. Having regard to the aforesaid facts, this Court is not inclined to exercise its judicial discretion in favour of the applicant. Hence, the present application stands dismissed.

(M. R. MENGDEY,J)

NABILA