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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Judgment reserved on: 17.01.2026*
Judgment pronounced on: 02.02.2026

+ **BAIL APPLN. 281/2025, CRL.M.A. 2023/2025 & CRL.M.A. 6891/2025**

BHASKAR YADAV .....Petitioner
Through: Mr. Manu Sharma, Senior Advocate with Mr. Samarth Krishan Luthra, Mr. Arjun Kakkar and Mr. Manoviraj Singh, Advocates.

versus

DIRECTORATE OF ENFORCEMENT .....Respondent
Through: Mr. Anurag Jain, Advocate for ED.

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+ **BAIL APPLN. 330/2025, CRL.M.A. 2409/2025 & CRL.M.A. 7482/2025**

ASHOK KUMAR SHARMA .....Petitioner
Through: Mr. Manu Sharma, Senior Advocate with Mr. Abhir Datt, Mr. Debayan Gangopadhyay, Mr. Arjun Kakkar and Ms. Varnika Singh, Advocates.

versus

DIRECTORATE OF ENFORCEMENT .....Respondent
Through: Mr. Vivek Gurnani, Panel Counsel with Mr. Kanishk Maurya and Mr. Satyam Prakash, Advocates.

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

J U D G M E N T

1. These anticipatory bail applications arising out of same Prosecution Complaint and based on similar factual and legal matrix are taken up

together for disposal.

1.1 Both these applications were taken up for the first time before the predecessor bench in the month of January 2025 and thereafter, the matter continued getting adjourned for one or the other reason before different predecessor benches, and first effective hearing before me took place on 17.01.2026, when after hearing learned senior counsel for accused/ applicants as well as learned counsel for the Directorate of Enforcement (DoE), the matters were reserved for orders.

1.2 From January 2025 till 15.10.2025, despite there being no interim protection from arrest, DoE opted not to arrest either of the accused persons. By way of order dated 15.10.2025, the predecessor bench directed that subject to joining investigation, the accused/applicants shall not be arrested till next date, which order continues.

2. Broadly speaking, prosecution case as culled out of the Prosecution Complaint No. ECIR/HIU-1/07/2024 dated 28.03.2024 under Section 44 read with Section 45 and Section 70 of the Prevention of Money Laundering Act, 2002 (PMLA) is as follows.

2.1 The CBI registered two cases bearing RC No.2212022E0041 dated 26.08.2022 for offence under Section 120B read with Section 420 IPC and Section 66C and 66D of the Information Technology Act, and RC No.2212023E0036 dated 27.12.2023 for offence under Section 403 read with 120B IPC and Section 420 IPC and Section 66D of the Information

Technology Act.

2.2 According to the said RCs, large scale laundering and siphoning off of public money was being carried out by duping innocent citizens in the name of investments and part-time jobs, etc. The money received in primary accounts was siphoned off into various other accounts located across the country. The proceeds of frauds were found to have been layered across multiple mule bank accounts in the country followed by encashing of the same through overseas ATMs, primarily in Dubai or by uploading on overseas fintech platforms mainly through PYYPL using Visa and Master Cards issued by Indian banks. PYYPL provides an internationally accepted Master Card and is regulated by Abu Dhabi Global Market Financial Services Regulatory Authority.

2.3 The offences under Section 420/120B IPC for which the CBI registered the RCs are Scheduled Offences under Part A, Paragraph 1 of the Schedule to the PMLA. The proceeds of crime having been generated through those Scheduled Offences, the DoE initiated investigation under PMLA for tracing the proceeds of crime and to unearth and identify the persons involved in the process and activities connected with the crime.

2.4 In the course of investigation, after technical analysis of intelligence inputs, it came out that large number of Debit Cards issued by the banks in India to Indian account holders had been misused through the UAE based payment platform PYYPL in order to siphon off the proceeds of cyber frauds. In all, 5599 accounts of HDFC Bank, 3168 accounts of IDFC First

Bank and 1434 accounts of IndusInd Bank were identified through transactions with PYYPL during the period from August 2023 to December 2023. Most of the said accounts were sourced through digital platform where KYC validations happened either by video KYC or over-the-counter by bank staff. Further detailed analysis of bank account statements of the targeted accounts linked with common mobile phone numbers was carried out by DoE.

2.5 The DoE conducted searches under Section 17 of PMLA at premises of 14 persons, including the present accused/applicants, some of whom are Chartered Accountants and the remaining played major role in arranging mule accounts and laundering the proceeds of crime after converting the same into cryptocurrency. Some of those accused persons got arrested, while others slipped away.

2.6 During search at the house of accused Ashok Kumar Sharma, Indian currency of Rs.9,50,000/- was recovered; and from the house of accused Rakesh Karwa, Indian currency of Rs.37,50,000/- was recovered. Both the said accused persons fled the premises and were absconding at the time of filing Complaint. Similarly, during searches at premises of other accused persons, Indian as well as American currency was recovered.

2.7 On the basis of material collected during investigation, including statements of various persons, summons under Section 50 of PMLA were issued to 58 individuals, including the present accused/applicants. Almost none of them complied with the summons.

2.8 The data retrieved from the impounded mobile phones was sent to Cyber Lab of DoE for forensic analysis.

2.9 In the course of investigation, accused Jitendra Kaswan, Ajay and Vipin Yadav were arrested and they were in judicial custody at the time of filing of the Complaint.

2.10 On the basis of detailed investigation, it was revealed that an organized criminal syndicate, with suspected foreign actors is indulged in large scale financial frauds in India, using variants of common *modus operandi,* whereby the victims are lured into frauds by using websites, WhatsApp, Telegram, etc., operated from overseas. The victims were paid attractive returns on their initial investments in order to gain their trust so that they invested more money. It was noticed that about 937 bank accounts maintained with HDFC Bank were used for topping up PYYPL wallet or virtual card. Out of those 937 bank accounts, 12 bank accounts were being managed, operated and controlled by group of individuals, namely Ashok Kumar Sharma and Bhaskar Yadav (*the accused/applicants*) and Ajay, Vipin Yadav, Lalit Goel and Rahul Ujjainwal, against which 16 cyber fraud-related complaints have been received on the National Cyber Crime Reporting Portal (NCRP). Copies of those NCRP complaints also were obtained by DoE from Indian Cyber Crime Coordination Centre. It was revealed that in respect of those bank accounts, initially money was collected fraudulently from the complainants by way of cheating through variants of cyber frauds, like part-time job fraud and investment fraud, etc.,

after which such proceeds were further layered through multiple bank accounts and ultimately through the said bank accounts by the said individuals forming part of what is known as Bijwasan Group. The Bijwasan Group has been withdrawing the tainted money in Dubai or uploading the majority of it on PYYPL wallet for purchase of cryptocurrency. The PYYPL provides facility of uploading money directly with the help of debit cards and once money is uploaded in the PYYPL wallet, the same can be withdrawn through its Points of Sale located in various countries. The instant virtual card issued by PYYPL can be used online wherever VISA Card is accepted.

2.11 Further investigation revealed that the above named individuals, including both the accused/applicants are operating in the Bijwasan area of New Delhi and have collectively created a web of almost 20 entities, which are managed, operated and controlled by them for carrying out numerous transactions of uploading money on PYYPL wallet, in addition to carrying out cash transactions by way of ATM withdrawals or card swipes through Points of Sale outside India, mainly in Dubai.

2.12 It was also revealed in the detailed investigation that the said individuals, including both the accused/applicants, received funds mainly from accused Rohit Agarwal, Rakesh Karwa, Chhotu Singh and Jitendra Kaswan. In the course of investigation, DoE also recorded statement of accused Rohit Agarwal under Section 50 of PMLA in which he revealed the entire *modus operandi* of generation, layering and utilisation of the proceeds of crime.

2.13 The *modus operandi* adopted by the accused persons as revealed during investigation is as follows. An organized criminal syndicate being operated by Jeniffer, Alen, Tom Support, etc., through Telegram group hatched criminal conspiracy to cheat Indian public and fraudulently appropriate their money. They hired various individuals to arrange for opening a number of mule accounts in India on commission basis. Some of those hired persons, who got opened mule accounts in India, are the accused/applicants and other above named accused persons. The accused persons would first get enrolled with the Telegram group; for each accused person there was a separate group, for example, Jeniffer, and at times, Alen in case of Rohit Agarwal, would request for bank accounts by sending a message in the group. Thereafter, each accused person would arrange for bank accounts in India and would also procure the entire customer kit containing Debit Card, SIM card, net banking credentials, account number, IFSC Code, UPI ID, Merchant QR Codes with login and passwords, etc. All those details would be shared by each of the accused persons in their respective Telegram groups, operated by the syndicate. Thereafter, members of the organized syndicate would create Zoho email IDs for each such mule account and share the same in the group with the respective accused person who would download the SMS Forwarder App in the mobile phone containing SIM card of the mobile number linked with such bank account and would add the Zoho email ID in the said SMS Forwarder App. In this manner, the transaction OTPs sent by the respective bank would be automatically forwarded to Zoho email ID as linked in the SMS Forwarder App, thereby giving access of OTPs sent by bank to the accused persons and

they would take control of the account. The gullible victims would be lured by the organized syndicate of foreigners through websites, WhatsApp and Telegram etc., and make them invest money. The enormous funds, so collected in various mule accounts would be further layered through various other bank accounts. The money so collected would either be uploaded on PYYPL app or withdrawn in cash AED for purchase of cryptocurrencies, which would further be transferred to the members of the organized syndicate through Binance or Trust Wallets.

2.14 In their detailed complaint, running into almost 300 pages, the DoE has mentioned with specific precision, the details of the mule accounts opened by the accused persons including the present accused/applicants and movement of proceeds of crime across different layers. The complaint elaborately describes the complicated web of mule accounts horizontally as well as vertically to reflect the expanse of the multimillion frauds coupled with laundering of money by way of cash withdrawals and conversion of the same into virtual digital assets.

2.15 The investigation is stated to be continuing and trailing the movement of proceeds of crime across different vertical and horizontal layers. Fresh complaints of cyber frauds continue to pour in till date.

3. Against the above backdrop, the accused/applicants seek anticipatory bail, grant whereof is strongly opposed by the DoE, raising the anvil of twin test under Section 45 PMLA and need for custodial interrogation.

3.1 The opening submission of the learned senior counsel for accused/applicants was that it is a case of mere dealing in cryptocurrency, which *per se* is not an offence in this country and rather, the Finance Act, 2022 imposed tax on the crypto transactions after the RBI decision to ban cryptocurrency in this country was quashed by the Supreme Court. Learned senior counsel submitted that going by the case set up by prosecution side also, it is Rohit Agarwal, who was engaged in cryptocurrency transactions through 9 firms and till date, he has not been arrested. It was argued that till date, despite the investigation spanning across one and a half years, the DoE or the CBI have not been able to point out as to what was the exact source of funds allegedly laundered and by whom; there is no clarity for whom did the accused/applicants work. Even according to prosecution, the accused/applicants are at layer 03, whereas Rohit Agarwal is at layer 02 but there is no identity of layer 01, therefore, as per leaned senior counsel, the accused/applicants have lesser role as compared to Rohit Agarwal, who has not been arrested. It was also pointed out that co-accused Ajay and Vipin of Bijwasan Group have already been granted regular bail and it is on that basis, the accused/applicants were granted interim protection by the predecessor bench. Learned senior counsel also argued that the accused/applicants joined investigation about six times even during the period when they were not under judicial protection from arrest, so no purpose would be served by denying them anticipatory bail. Learned senior counsel contended that in the recent past, the judicial precedents have, if not completely neutralised, at least diluted the applicability of twin test contemplated by Section 45 of PMLA.

3.2 On the other hand, learned counsel for DoE strongly opposed both anticipatory bail applications taking me through the above described record of prosecution case. Learned counsel for DoE strongly advocated for keeping the twin conditions laid down under Section 45 of PMLA in mind, contending that the accused/applicants would fail on the anvil of the said test. It was further submitted that during interrogation of the accused/applicants, it came out that they had wiped out all their electronic devices and destroyed the evidence, apart from assaulting the officers of the DoE. Learned counsel for DoE contended that according to the detailed investigation, the present accused/applicants also had same role as that of Rohit Agarwal in the sense that the accused/applicants received proceeds of crime not just from Rohit Agarwal but from others as well, thereby placing themselves in Layer 02, side by side with Rohit Agarwal. As regards non-arrest of Rohit Agarwal, learned counsel for DoE submitted that since Rohit Agarwal had helped the DoE in cracking the complexities of the case, there was no need felt to arrest him. The very fact that the accused/applicants had opened more than 30 companies without any explanation, their *prima facie* complicity in layering and concealing the proceeds of crime cannot be disputed. Further, learned counsel for DoE referred to the record according to which the accused/applicants had been bribing the local police in order to get the cheating complaints of victims settled. Learned counsel for DoE in this connection also referred to screenshots of certain WhatsApp chats and contended that this in itself should disentitle the accused/applicants from the relief of anticipatory bail. As regards bail granted to other accused persons, learned counsel for DoE informed that they have already challenged those bail orders and the petitions before the Supreme Court are being listed

shortly. Further, learned counsel for DoE also disclosed that even subsequent to last date of hearing in the present bail applications, new complaints of cheating were received and DoE needs to carry out custodial interrogation. Finally, it was argued that since fresh complaints of cheating are still pouring in and the investigation is continuing, these cases are not fit for grant of anticipatory bail.

4. In cases arising out of PMLA, grant or denial of bail and anticipatory bail is dealt with under Section 45 of the Act, which mandates the court dealing with the bail application to grant opportunity to the prosecutor to oppose the bail application; and the provision further lays down the twin test, on the anvil whereof, the case has to be tested before granting bail. The said twin test to allow bail to a person accused of an offence of money laundering is that there should be reasonable grounds to believe that the accused is not guilty of the offence of money laundering, and that the accused is not likely to commit any offence while on bail. The proviso to Section 45 of the Act confers discretion on the special court constituted under PMLA to admit on bail an accused, who is under the age of sixteen years or is a woman or sick or infirm or where the allegation is of money laundering of a sum less than one crore rupees. The provision under Section 45 of PMLA is couched in negative expression and begins with non-obstante clause that *notwithstanding anything contained in the Code of Criminal Procedure, no person accused of an offence under the Act shall be released on bail or on his own bond*. Such unusual negative expression, coupled with non-obstante *qua* Criminal Procedure Code while dealing with the issue of bail under PMLA clearly shows the legislative intent that in such cases, bail

is not to be dealt with in routine manner solely on the basis of parameters applicable in conventional offences. The provision further stipulates: "*unless*" the Public Prosecutor has been given opportunity to oppose such release and where the Public Prosecutor opposes the application, *the court is satisfied that there are reasonable grounds for believing that the person accused of an offence under the Act is not guilty of such offence and he is not likely to commit any offence while on bail*. The blanket of those twin conditions is partially lifted by way of the proviso in order to deal with an accused, who is under 16 years of age or is a lady or sick or infirm or has been accused of money laundering for a sum less than one crore rupees. But that proviso is not relevant for present purposes.

4.1 The broad principles to be kept in mind while dealing with an application for grant of anticipatory bail in cases arising out of PMLA, as culled out of plethora of judicial pronouncements are as follows. While considering such applications, the court is not expected to delve deep into merits of the allegation by microscopic analysis of the material collected by the investigator; the court has to satisfy itself only as regards existence of *prima facie* case, based on broad probabilities discernible from the material collected by the investigator; and the question has to be as to whether on the basis of such material, there are reasonable grounds for believing that the accused is not guilty of the offence alleged. The court is also to satisfy itself as regards any likelihood of the accused committing any offence while on bail; and this assessment can be based on the antecedents and propensities of the accused, as well as nature and the manner in which he is alleged to have committed the offence under PMLA. To add a piece of caution, the court is

not required to return a positive finding that the accused did not commit the alleged offence. A delicate balance has to be maintained between the final judgment of acquittal or conviction and an order granting or denying bail. The twin conditions stipulated under Section 45 of the Act would apply to anticipatory bail application also, in addition to the regular parameters like nature of accusation, severity of punishment, nature of material collected by investigator, reasonable apprehension of tampering with the witnesses, reasonable possibility of securing presence of the accused at the time of trial, character of the accused and larger interest of public or State, etc.

4.2 Coming to the argument of learned senior counsel for accused/ applicants that in the recent past there has been dilution of the twin conditions stipulated under Section 45 of PMLA, the said dilution, according to him is by way of settled view of the Supreme Court, followed by different High Courts across the country to the effect that prolonged incarceration overrides the twin conditions, because the prolonged incarceration abrogates fundamental right of an individual under Article 21 of the Constitution of India. But this view flowing from the Supreme Court cannot be overstretched in the name of dilution of the twin conditions to the extent of making the twin conditions nugatory. The said view deals with prolonged incarceration; it does not advocate complete bar on custodial interrogation. Any such interpretation of the interplay between Article 21 of the Constitution of India and Section 45 of PMLA would completely destroy the nature and purpose of investigation. Article 21 of the Constitution of India cannot be read in a manner that completely blocks custodial interrogation. For, it cannot be disputed that custodial interrogation in

certain kind of cases is much more effective than interrogation of a person who goes to the investigator with protection from arrest in his pocket. The line of judicial pronouncements *qua* dilution of the twin conditions pertain to the issues of regular bail and not anticipatory bail, especially where the investigating agency expresses need for custodial interrogation.

4.3 The Supreme Court in the case of ***Assistant Director, Enforcement Directorate vs Dr. V.C. Mohan,*** (2022) 16 SCC 794 held: "*Indeed, the offence under PMLA is dependent on the predicate offence which would be under ordinary law, including the provisions of IPC. That does not mean that while considering the prayer for grant of anticipatory bail in connection with PMLA offence the mandate of Section 45 PMLA would not come into play.....Once the prayer for anticipatory bail is made in connection with offence under PMLA, the underlying principles and rigors of Section 45 PMLA must get triggered although the application is under Section 438 of the Code of Criminal Procedure.*"

4.4 I had an occasion to examine and deal with the provision under Section 45 PMLA in the case of ***Vedpal Singh Tanwar vs Directorate of Enforcement,*** 2025 SCC OnLine Del 4330 in which, I briefly traversed through the legal position as follows:

> *"9.1 In the case of **Vijay Madanlal Chaudhary** [2022 SCC OnLine SC 929], the Supreme Court traversed through the laudable purpose behind enactment of the PML Act and observed thus:*
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> *"Considering the purposes and objects of the legislation in the form of 2002 Act and the background in which it had been enacted owing to the commitment made to the international*

bodies and on their recommendations, it is plainly clear that it is a special legislation to deal with the subject of money laundering activities having transnational impact on the financial systems including sovereignty and integrity of the countries. This is not an ordinary offence. To deal with such serious offence, stringent measures are provided in the 2002 Act for prevention of money laundering and combating menace of money-laundering, including for attachment and confiscation of proceeds of crime and to prosecute persons involved in the process or activity connected with the proceeds of crime. In view of the gravity of the fallout of money laundering activities having transnational impact, a special procedural law for prevention and regulation, including to prosecute the person involved, has been enacted, grouping the offenders involved in the process or activity connected with the proceeds of crime as a separate class from ordinary criminals. The offence of money-laundering has been regarded as an aggravated form of crime "world over". It is, therefore, a separate class of offence requiring effective and stringent measures to combat the menace of money laundering.

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Thus, it is well settled by the various decisions of this Court and policy of the State as also the view of international community that the offence of money-laundering is committed by an individual with a deliberate design with the motive to enhance his gains, disregarding the interests of nation and society as a whole and which by no stretch of imagination can be termed as offence of trivial nature. Thus, it is in the interest of the State that law enforcement agencies should be provided with a proportionate effective mechanism so as to deal with these types of offences as the wealth of the nation is to be safeguarded from these dreaded criminals. As discussed above, the conspiracy of money-laundering, which is a three-staged process, is hatched in secrecy and executed in darkness, thus, it becomes imperative for the State to frame such a stringent law, which not only punishes the offender proportionately, but also helps in preventing the offence and creating a deterrent effect.

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The Court while dealing with the application for grant of bail need not delve deep into the merits of the case and only a view of the Court based on available material on record is required. The Court will not weigh the evidence to find the guilt of the accused which is, of course, the work of Trial Court. The Court is only required to place its view based on probability on the basis of reasonable material collected during investigation

and the said view will not be taken into consideration by the Trial Court in recording its finding of the guilt or acquittal during trial which is based on the evidence adduced during the trial….. the words used in Section 45 of the 2002 Act are "reasonable grounds for believing" which means the Court has to see only if there is a genuine case against the accused and the prosecution is not required to prove the charge beyond reasonable doubt.*" (emphasis supplied)*

9.2 There is plethora of judicial pronouncement, not being repeated herein for brevity that existence of the twin conditions stipulated under Section 45 of the PML Act is mandatory before the court exercises discretion to release on bail a person accused of the offence of money laundering; and that the belief qua the accused being guilty of money laundering has to be tested on "reasonable grounds", which means something more than "prima facie" grounds. Equally well settled is the scope of Section 24 of the PML Act that unless contrary is proved, the Court shall presume involvement of proceeds of crime in money laundering; and that burden to prove that the proceeds of crime are not involved is on the accused.

9.3 Further, it is trite that economic offences constitute an altogether distinct class of offences. That being so, in spite of the salutary doctrine of "bail is the rule and jail is an exception", matters of bail in cases involving socio-economic offences have to be visited with a different approach, as held in ***State of Bihar & Anr. vs Amit Kumar*** *(2017) 13 SCC 751.*

9.4 As held by the Supreme Court in the case of ***Y.S.Jagan Mohan Reddy vs CBI****, (2013) 7 SCC 439:*

"15) Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offence having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

16) While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the

public/State and other similar considerations."

> *9.5 On the aspect of bail in cases involving socio-economic offences, differential treatment in consideration unlike conventional crimes has been the law of land, reiterated in a plethora of judicial pronouncement flowing from apex court. Reference, to cite a few may be drawn from* ***Rohit Tandon vs Directorate of Enforcement****, (2018) 11 SCC 46;* ***Serious Fraud Investigation Office vs Nitin Johari****, (2019) 9 SCC 165; and* ***Nimmagadda Prasad vs CBI****, (2013) 7 SCC 466."*

4.5 The judgment in the case of ***Vedpal Singh Tanwar*** (supra) on being challenged before the Supreme Court in SLP (Crl.) No.10839/2025 was not unsettled.

5. Falling back to the present case, I am in complete agreement with learned counsel for DoE that learned senior counsel for the accused/ applicants has projected the matter in extremely simplistic manner, which it is not. It is not a case of mere dealing in cryptocurrency, which *per se* is not a crime in this country and liability of the accused persons is confined to paying tax on the crypto transactions. The present cases exhibit a vast intricate mesh of movement of money, fraudulently extracted out of pocket of gullible investors, who appear to be primarily belonging to middle class. It is hard earned money of the victims, whose only fault was that they wanted their money to multiply through investments, and this basic desire (*or call it human weakness*) of theirs was exploited by some fraudsters, alluring them to invest in various schemes, which were actually fraudulent. It is not a simple case of the accused/applicants investing in cryptocurrency.

6. The said vast intricate mesh of laundering of money is not just

vertical, but even horizontal at each layer. As described above, apex of that intricate mesh of laundering of the proceeds of crime is situated outside India with the 2nd layer of laundering consisting of amongst others, one Rohit Agarwal, and the present accused/applicants fall in 3rd layer vertically. With regard to some of the transactions, the present accused/applicants also fall in 2nd layer of laundering, horizontal to Rohit Agarwal in the sense that with respect to those cases, money was received by the present accused/ applicants not from Rohit Agarwal but directly from the apex syndicate based outside India.

7. As also described above, investigation to unfold the further vertical and horizontal layers of money laundering is ongoing. Fresh complaints of cheating acts connected with the syndicate, of which the accused/applicants are significant part, continue to pour in. That being so, keeping in mind the above described complexities of crime, the need expressed by DoE to carry out custodial interrogation of the accused/applicants does not sound unreasonable. More so, in view of the explicit stand of DoE that the accused/applicants not just wiped out all their electronic devices to destroy evidence but also assaulted officials of DoE and are engaged in bribing the local police officials in order to make the complainants settle the disputes.

8. The request of the accused/applicants for parity with co-accused Ajay, Vipin and Rakesh is misplaced insofar as they were granted not anticipatory but regular bail and in their case, no custodial interrogation was required by DoE.

9. Keeping in mind pendency of the expansive investigation, some of the vital aspects relevant for present purposes are extracted as follows. The accused/applicants, who are Chartered Accountants allegedly opened bank accounts in the name of fictitious entities ranging across proprietorship concerns, partnership firms and companies, in which enormous amounts of money was credited from various sources and a significant portion of amount was transferred to PYYPL wallet via debit cards linked to those accounts, thereby laundering the proceeds of crime across border. The DoE has analysed more than 900 HDFC bank accounts to find that same mobile phone numbers were linked to multiple bank accounts which were used to transact on PYYPL platform. In a number of cases, same email IDs were used for multiple bank accounts transacting on PYYPL platform. Almost 68 bank accounts linked to 30 mobile phone numbers transacted in total amount of Rs.100 crores uploaded to the PYYPL platform. About 10 mobile phone numbers were found connected with 32 bank accounts, which collectively uploaded more than Rs. 78 crores to the PYYPL platform and 7 of those 10 mobile phone numbers belong to the accused/applicants and were found to be linked with HDFC bank and IndusInd bank, through which the accused/ applicants were allegedly operating to launder proceeds of crime. The accused/applicants were allegedly found to have transacted more than Rs. 65 crores on PYYPL platform. Further details have been elaborated in the Prosecution Complaint and for present purposes, the above brief extract has been culled out only to reflect at the expanse of the investigation being carried out presently.

10. The accused/applicants, being skilled professionals have allegedly

crafted laundering of proceeds of crime across multiple layers, and to unearth the same, I find substance in the submission of learned counsel for DoE that custodial interrogation is much required. As observed by the Supreme Court in the case of ***P. Chidambaram vs Directorate of Enforcement,*** (2019) 9 SCC 24, at times, grant of anticipatory bail may hamper investigation, of which arrest is a significant part which intends to secure several purposes including information leading to discovery of relevant information. The court must strike a balance between right of an individual to personal freedom and right of the investigating agency to interrogate the accused as regards the material collected and to obtain more information which could lead to recovery of further information. Therefore, I find substance in the argument advanced on behalf of DoE that it would not be possible for the investigators to effectively interrogate the accused/applicants if they have pre-arrest protection in their pocket. Of course, liberty of an individual is sacrosanct, but the court cannot brush aside the requirement to carry out meaningful interrogation and investigation in the larger interest of economy of the country.

11. Further, in view of the factual matrix described above, it would also be necessary for DoE to investigate deeply and unearth the roles of different bank officials, without whose active or passive involvement (*if not connivance*), opening of mule accounts would not have been possible. According to material on record, analysis of the suspect bank accounts revealed several converging patterns in which, multiple cards were used for a single bank account. The suspect bank accounts have been frozen by the law enforcement agencies.

12. Furthermore, in the written submissions dated 08.04.2025, DoE has also placed on record voluminous material including printouts of conversations and other vital documents related to the money laundering, in which the accused/applicants are allegedly involved. Apart from that, there are also printouts of documents recovered during investigation, which reflect bribes paid by the accused/applicants to certain police officials. As mentioned above, in the course of investigation, officers of DoE were also assaulted, for which separate FIR was registered. All these lend credence to the argument of the DoE that if granted anticipatory bail, the accused/applicants would completely destroy the evidence, which is yet to be unearthed by the investigators.

13. Merely because at initial stages when the accused/applicants were not under any judicial protection against arrest the DoE opted not to arrest them, does not mean that the need now expressed by DoE to conduct custodial interrogation is unjustified. As described above, now circumstances have changed, in the sense that fresh complaints have been pouring in; that the accused/applicants allegedly assaulted the investigating officers; that the accused/applicants have been allegedly found bribing the local police to settle cyber fraud complaints; that the accused/applicants have allegedly destroyed the electronic evidence; and that role of the bank officials also has to be unearthed. In the backdrop of these changed circumstances, the DoE cannot be deprived of an opportunity to conduct custodial interrogation.

14. Going a step deeper, merely because the investigator does not want to

arrest the accused, it cannot be said that the accused is entitled to anticipatory bail. Whether or not to arrest, is in the exclusive domain of the investigator. When it comes to deciding the grant or denial of anticipatory bail, the settled parameters have to operate, which in cases under PMLA would include the twin conditions.

15. In the present cases, there is no material on the basis whereof this court can satisfy itself that there are reasonable grounds for believing that the accused/applicants are not guilty of the offences they are charged with and/or they are not likely to commit any offence while on bail. In fact, even the other regular parameters applicable to the bail applications in conventional crimes would not approve of grant of anticipatory bail to the accused/applicants. Therefore, both these anticipatory bail applications are dismissed.

GIRISH KATHPALIA

Digitally signed by GIRISH KATHPALIA
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GIRISH KATHPALIA
(JUDGE)

FEBRUARY 02, 2026/*ry*