REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

K. KAVITHA V. DIRECTORATE OF ENFORCEMENT (2024)

BENCH: Mr. Justice B.R. Gavai & Mr. Justice K.V. Viswanathan **DECIDED:** August 27, 2024

RATIO DECIDENDI & PRECEDENTIAL CRUX:
Proviso to Section 45(1) PMLA provides special statutory consideration for women, exempting them from rigorous twin conditions for regular bail.

1. Factual Matrix & Background:

The appellant, a woman political leader, was arrested by ED and CBI in corruption and money laundering cases. The High Court denied bail, holding that the beneficial proviso for women under Section 45(1) PMLA should be restricted to vulnerable or illiterate women, not educated public figures.

2. Substantive Legal Questions Framed:

Whether the statutory benefit under the proviso to Section 45(1) PMLA permitting bail for a 'woman' is confined to vulnerable women or applies equally to all women accused.

3. Analysis & Ratio Decidendi:

The Supreme Court reversed the High Court and granted bail in both CBI and ED matters. The Court held that courts cannot rewrite legislative enactments. The proviso to Section 45(1) PMLA and Section 437(1) CrPC expressly permits bail to any person who is a woman, child, sick, or infirm. Denying statutory benefit merely because a woman is educated or a politician is arbitrary and impermissible.

4. Principles Enunciated:

- 1. Proviso to Section 45(1) PMLA explicitly creates an exception for women.
- 2. Courts cannot create artificial classifications between educated and uneducated women.
- 3. Statutory beneficial provisions must be applied faithfully according to legislative text.

5. Practical Litigation Implications:

- In female accused bail applications under PMLA, CrPC, or BNSS, invoke the statutory proviso to bypass the twin conditions and secure release.

.....J.
[SUPREME COURT BENCH]