REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

TARUN KUMAR V. ASSISTANT DIRECTOR, DIRECTORATE OF ENFORCEMENT (2023)

BENCH: Mr. Justice Bela M. Trivedi & Mr. Justice Prashant Kumar Mishra **DECIDED:** November 20, 2023

RATIO DECIDENDI & PRECEDENTIAL CRUX:
Parity in bail under Section 45 PMLA cannot be claimed as a matter of right; court must record satisfaction of twin conditions for each accused.

1. Factual Matrix & Background:

The appellant sought bail in a money laundering case on the ground of parity, pointing out that co-accused individuals had been granted bail by the High Court. The High Court rejected bail on merits under Section 45 PMLA.

2. Substantive Legal Questions Framed:

Whether an accused facing money laundering charges under PMLA can claim bail solely on grounds of parity with co-accused without satisfying the Section 45 twin conditions.

3. Analysis & Ratio Decidendi:

The Supreme Court dismissed the appeal and held that parity is not an absolute rule in bail jurisprudence. In cases governed by Section 45 PMLA, the court is statutorily mandated to record satisfaction that there are reasonable grounds for believing the accused is not guilty. Parity cannot override the statutory twin conditions where the specific role and proceeds of crime attributed to the applicant differ.

4. Principles Enunciated:

- 1. Section 45 PMLA twin conditions must be satisfied individually for each applicant.
- 2. Claim of parity cannot be invoked blindly in economic offences and money laundering.
- 3. Court must examine individual role, nexus with proceeds of crime, and mens rea.

5. Practical Litigation Implications:

- Do not rely exclusively on parity arguments in PMLA bail; construct an independent factual foundation showing that proceeds of crime were never generated or laundered by the client.

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

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