

ECIR/HIU-I/02/2026
Directorate of Enforcement Vs. Dandamudi Avanindra Kumar
I.A. No.: 8/26

19.05.2026

Present: Sh. Simon Benjamin Ld. Special PP for ED
through VC.
Sh. Manu Sharma, Senior Advocate, Mr.
B.Shravanth Shanker, Mr. Rohit Bhardwaj, Mr. Shiv
Nath Sawhney, Ld. Counsel for the
applicant/accused.

Fresh Vakalatnama has been filed on behalf of the
applicant/accused.

Reply filed. Copy supplied. With consent arguments
heard. Put up for orders.

(ANKUR JAIN-I)
ASJ-04/Central/Delhi.
19.05.2026

At 3:00 pm.

1. By this order I shall decide the interim bail application of the applicant on medical grounds i.e. I.A. No. 8/26.
2. Ld. Senior Advocate for applicant submits that applicant is a senior citizen aged about 77 years, a war veteran and is suffering from various heart ailments. In support of his submission he has relied upon the medical documents which have been annexed with the bail application. It is submitted that the condition is chronic, non curable in nature. It is argued that incarnation of the applicant in such medical condition is violative of his Fundamental Rights enshrined in Article 21 of the Constitution of India. Ld. Counsel for the applicant has placed reliance upon the following judgments:-

1. *Satyendar Kumar Jain Vs. Directorate of Enforcement SLP CrI. No. 6561/2023*;
2. *Amar Sadhuram Mulchandani Vs. Directorate of Enforcement & Anr.*
3. *Kewal Krishan Kumar Vs. Enforcement Directorate Bail Application No. 3575/2022*;
4. *Ramesh Chandra Vs. Directorate of Enforcement 2025 SCC Online Delhi 1706*
5. *Devki Nandan Garg Vs. Directorate of Enforcement, Bail Application No. 540/2022*;
6. *Sarath Chandra Reddy Vs. Directorate of Enforcement Bail Application No. 1266/2023*
7. *Sameer Mahandru Vs. Directorate of Enforcement 2023 SCC Online Delhi 3606*.

3. On the other hand, Ld. Spl. PP for Directorate of Enforcement has submitted that medical documents have been duly verified and the same are not disputed.

4. I have heard Ld. Counsels for the parties and perused the record.

5. Section 45 (1) of the PMLA 2002 lays down that in case a person is under the age of 16 or is a woman or is a sick or infirm, he may be released on bail.

6. The Hon'ble Delhi High Court in ***Kewal Kishan Kumar (Supra)*** while placing reliance on the judgment of ***Devki Nandan Garg (Supra)*** noted the objects and reasons for incorporating the proviso. The Hon'ble Delhi High Court noted the purposive interpretation of the proviso to Section 45 (1) shows that it has been incorporated as a lenient provision. In case the case of the applicant is covered under the proviso, the applicant need not satisfy the twin test of Section 45 (1) PMLA.

7. The Hon'ble Delhi High Court in ***Kewal Kishan (Supra)*** also noted since 'sick' and 'infirm' are separated by 'or' consequently a person who though not sick but infirm may also be entitled to the benefit of the exception.

8. In the present case the applicant has placed on record discharge summary of the year 2023 which shows that he underwent angioplasty and three intra coronary stents were implanted. The documents so placed on record do suggest that he is suffering from anxiety which requires regular follow up. The documents are undisputed.

9. In *Kewal Kishan (Supra)* the Hon'ble Delhi High Court considered the meaning of sick or infirm in terms of the proviso to Section 45 (1) of PMLA and what is the level of sickness or infirmity which would bring an accused within the parameters of the proviso. The Hon'ble Court noted that no straight jacket formula can be laid down as to what is the level of sickness that a person is to suffer to entitle him to bail under Section 45(1) proviso, the thumb rule is that the sickness should be so serious that it is life threatening and the treatment is so specialized that it cannot be provided in the jail hospital.

10. The applicant is aged 77 years with three intra coronary stents. As per the medical records he is suffering from the palpitation and anxiousness, his HB1AC also points that he is a diabetic.

11. The combination of the age, his cardiac history, his HB1AC makes his case fall in the category of sick. The risk of cardiac complication increases with diabetes and in case he falls sick in the hospital it can be life endangering, the jail hospital would not be equipped to handle the case of such emergency.

12. The case of applicant falls under the category of sick. The applicant is not a flight risk, there are no allegations that he is influencing the witness or had tampered with the evidence.

13. At this stage, therefore, the applicant is granted interim bail for a period of 4 weeks from the date of his release for his medical treatment on the following terms and conditions :-

- (a) The applicant shall furnish a personal bond with one surety in the sum of Rs. 1,00,000/-to the satisfaction of this court/Ld Duty JMFC.
- (b) The applicant shall appear before the court as and when the matter is taken up for hearing
- (c) In case he changes his address, he will inform the IO concerned and this court also
- (d) The applicant shall not leave the country during the bail period without the permission of the court.
- (e) The applicant shall not indulge in any criminal activity during the bail period
- (f) The applicant shall not communicate with or intimidate or influence any of the prosecution witnesses or tamper with the evidence of the case.
- (g) The applicant shall join the investigation as and when called for by the IO.

14. Application stands disposed off accordingly.

15. Copy of the order be sent to concerned Jail Superintendent and be given dasti to the counsel for the applicant and the IO.

(ANKUR JAIN-I)
ASJ-04/DELHI/19/05/2026