

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO. 1464 OF 2026**

Anilkumar Khanderao Pawar & Ors. ....Petitioners

*Versus*

Directorate of Enforcement & Ors. ....Respondents

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Mr. Rajiv Shakhder (Senior Advocate) a/w. Mr. Karan Khetani, Mr. Ujjwal Kumar Chavhan, Mr. Jayesh Rathod & Mr. Bhushan Yadav a/w. Mr. Aditya Hire, for Petitioners.

Mr. C. K. Pendre, for Respondent Nos. 1 & 2.

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**CORAM : RAVINDRA V. GHUGE &  
ABHAY J. MANTRI, JJ.**

**DATE : 7<sup>th</sup> APRIL, 2026**

**P.C. :-**

1. This Petition has been listed before this Court in view of an order passed by the First Court directing the Registry to list the Petition before the appropriate Bench. Accordingly, the matter was de-listed from the First Court and listed before this Court in the post-lunch session.

2. **Issue notice to the Respondents**, returnable on **28<sup>th</sup> April 2026**. The learned Advocate waives service of notice on

behalf of the Respondents. He submits that the Department desires to file an Affidavit-in-Reply to meet all the contentions set out in the Petition, in as much as, the Department would also raise the issue as to whether the Petitioners have a statutory remedy available instead of preferring the present Writ Petition.

3. Let the Affidavit-in-Reply on behalf of the Respondents be filed on or before 28<sup>th</sup> April 2026.

4. The learned Senior Advocate for the Petitioner has drawn our attention to Prayer Clause 'B', which reads as under :

B) Quash and set aside the show cause notice PMLA/OC/461/del/2025, filing no.: 2025010202020510 dated 20/11/2025, issued by the Adjudicating Authority (PMLA) whereby the reasons to believe are recorded in a patently routine and mechanical manner, without any material available on record to show that properties attached are related to proceeds of crime and therefore, such untenable show cause notice cannot cure the constitutional infirmities as guaranteed under articles 21 and 22 (1) and (2) of the constitution of India.

5. He further submits that the present Petitioners were before this Court in Writ Petition No. 4779 of 2025. By Judgment

dated 15<sup>th</sup> October 2025, the Petition was disposed off with certain directions. In the said Petition, the sole Petitioner, Mr. Anilkumar Khanderao Pawar, who is Petitioner No. 1 before us today, had challenged his arrest dated 13.08.2025 on the ground that it was an illegal and arbitrary exercise of power by the arresting officer, and that such arrest infringed the Petitioner's fundamental rights under Articles 14, 19, 21, and 22(1) and (2) of the Constitution of India.

6. By a detailed Judgment, this Court concluded that the stand taken by the Enforcement Directorate was speculative and based on vague facts. The grounds of arrest ought to have been founded on 'reasons to believe' supported by tangible material on the basis of which the arrest could have been effected. Ultimately, the Petitioners succeeded in the Writ Petition, and this Court issued directions in paragraph No. 13 as under :

13. In the result, this writ petition succeeds to the extent that the arrest of the petitioner on 13<sup>th</sup> August 2025 is held illegal. All the orders of remand passed by the Additional Sessions Judge, Designated Special Court under the PMLA stand quashed. The Petitioner shall be released on production of a copy of this order and filing an affidavit of undertaking that he will not tamper with the evidence or influence or attempt to influence the witnesses. Findings recorded by this

Court in the present proceedings are *prima-facie* opinion of the Court recorded only for the purpose of deciding legality of the arrest of the petitioner on 13<sup>th</sup> August 2025 and such findings shall not affect the case of the ED when the Prosecution Complaint is examined by the Court in any further proceedings against the petitioner.

7. The learned Senior Advocate submits that the Judgment of this Court dated 15.10.2025, was challenged by the Directorate of Enforcement before the Hon'ble Supreme Court in Special Leave to Appeal (Criminal) No. 16841 of 2024. Upon hearing the parties on 03.02.2026, the Special Leave Petition (Criminal) was dismissed, the Hon'ble Supreme Court observing that it was not inclined to interfere with the impugned Judgment and order passed by the High Court. It is, therefore, canvassed at this stage, in support of the prayer for ad-interim protection, that the Respondents have proceeded against the Petitioners on the very same material. A Provisional Attachment Order, attaching the properties of the Petitioners, was passed on 10.10.2025. It was thereafter that this Court delivered the aforesaid Judgment, which was subsequently affirmed by the order of the Hon'ble Supreme Court.

8. The learned Senior Advocate brings to our notice that

the Respondent was intimated that the matter was circulated for 7<sup>th</sup> April 2026. Copies of the Petition paper-book were served upon the Department. The matter was listed on the board of the First Court at Serial No. 920 on the 'Daily Supplementary Board'. The grievance raised by the learned Senior Advocate, Mr. Shakhder, is that an order was pronounced by the Adjudicating Authority under the Prevention of Money Laundering Act, 2002, New Delhi, on 6<sup>th</sup> April 2026, whereby the Provisional Attachment Order has been confirmed. This was in the teeth of the hearing in this Writ Petition scheduled on 7<sup>th</sup> April, 2026.

9. In view of the above, the Petitioners have moved an Interim Application seeking to assail the order dated 06.04.2026 by way of an amendment to the pleadings and the prayers.

10. Since this Petition was listed on 7<sup>th</sup> April 2026 before the First Court, it was a matter of propriety that the Respondent ought to have refrained from taking the matter to the next stage when the Petitioners were before this Court questioning the jurisdiction of the Adjudicating Authority. The learned Senior Advocate, Mr. Shakhder, submits that, despite the Department

having been intimated of the hearing scheduled on 7<sup>th</sup> April 2026, the passing of an order on 6<sup>th</sup> April 2026 confirming the Provisional Attachment Order, on the eve of the hearing, is a step which could have been avoided, until the hearing in this Petition. *Prima-facie*, we agree with these submissions.

11. We are informed that the next step likely to be initiated by the Respondent is to take physical possession of the properties. If that was to happen, this Petition would be virtually rendered infructuous. Moreover, such a situation ought to be avoided, as has happened with the passing of the order on 6<sup>th</sup> April 2026, if a fair opportunity of hearing is to be afforded to the parties before us.

12. As such, we direct the Respondents not to initiate any further steps for taking possession of, or effecting eviction from, the said properties, thereby giving effect to the order dated 6<sup>th</sup> April 2026. This ad-interim order shall be subject to the hearing and further orders in this matter.

13. Considering that a development has occurred between 1<sup>st</sup> April 2026 and today, when the First Court had posted the matter

on the Supplementary Board for 7<sup>th</sup> April 2026, i.e. today, in the form of the impugned order dated 6<sup>th</sup> April 2026 having been passed, the amendment to the Petition is allowed. The amendment shall be carried out within 10 working days. A freshly typed amended copy of the Writ Petition shall be filed on record by replacing the present memo of the Petition, and a copy shall be served upon the learned Advocate for the Respondent in order to enable the Respondent to file a comprehensive Affidavit-in-Reply.

14. Since the learned Advocate for the Respondent has appeared before us and waives service on behalf of the Respondent, it is appropriate that the learned Advocate communicates this order forthwith to the Respondents.

**(ABHAY J. MANTRI, J.)**

**(RAVINDRA V. GHUGE, J.)**