

INTHE HIGH COURT OFJHARKHAND AT RANCHI**B.A. No. 454 of 2026**

Shashi Prakash, aged about 70 years, son of Late Brij Nandan Prasad, resident of N2/8, Vatika Green City, Diamond Block, Mango, P.O. & P.S.- Mango, Jamshedpur, District- East Singhbhum.

... Petitioner

Versus

The Directorate of Enforcement, Ranchi

... Opp. Party

CORAM:HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner : Mr. Anil Kumar Sinha, Advocate

For the Opp. Party : Mr. Amit Kumar Das, Advocate

: Mr. Saurav Kumar, Advocate

04/Dated: 8th April, 2026

1. The instant application has been filed under Sections 483 & 484 of BNSS, 2023 for grant of bail in connection with ECIR/03/2018 registered under Section 3, punishable under Section 4 of the Prevention of Money-Laundering Act, 2002 presently pending in the court of learned Special Judge, PML Act, Ranchi.
2. It is a case where the petitioner has already remained in judicial custody for more than 3 years, the submission therefore has been made that the petitioner had remained in custody for minimum sentence as has been provided under Section 4 of the PML Act 2002.
3. Further, submission has been made that the other co-accused persons, namely Ram Binod Prasad Sinha and Suman Kumar @ Suman Kumar Singh (the Chartered Accountant) have already

been granted bail by the Hon'ble Apex Court vide order dated 15.03.2024 and 04.04.2024 passed in Criminal Appeal arising out of SLP (Crl.) No. 4603 of 2022 and Criminal Appeal arising out of SLP (Criminal) No. 6970 of 2023, respectively.

4. Further, the other co-accused person, namely Pooja Singhal has been released on bond under Section 479 (1) BNSS 2023 vide order dated 07.12.2024 by the learned Special Judge, PML Act, Ranchi in Misc. Criminal Application No. 3059 of 2024.
5. It has further been submitted that the petitioner is 70-year-old and is suffering from so many ailments.
6. Further submission has been made that on the last occasion the status report has been called for by this Court and the same has been received and is available on record. It is evident therefrom that altogether 47 witnesses are to be examined and out of which 17 witnesses have been examined, and as such, more time is required for the conclusion of the evidence of prosecution witnesses as well as trial.
7. Learned counsel for the petitioner by referring the aforesaid fact has submitted that there is no likelihood of early conclusion of the trial, as such, on the ground of custody and parity, the present petitioner may also be enlarged on bail.
8. Learned counsel for the Enforcement Directorate although has vehemently opposed the prayer for bail of the petitioner by

referring the culpability of the present petitioner in the alleged commission of crime, but he is fair enough to admit the fact that the aforesaid co-accused persons namely Ram Binod Prasad Sinha and Suman Kumar @ Suman Kumar Singh have already been directed to be released on bail by the Hon'ble Apex Court.

9. This Court has heard the learned counsel for the parties.
10. This Court has considered the imputation made against the present petitioner as available in the ECIR in order to compare the issue on parity, since the ground has been taken that the aforesaid co-accused persons have been directed to be released on bail.
11. In the aforesaid context, it requires to refer herein that this Court is conscious with the settled position of law that the issue of parity, is to be taken into consideration but the same is to be taken into consideration by applying the factual aspect along with the surrounding facts, as has been held by the Hon'ble Apex Court in the case of ***Tarun Kumar vs. Assistant Director Directorate of Enforcement, 2023 SCC OnLine SC 1486*** wherein it has held as under:

18. The submission of learned Counsel Mr. Luthra to grant bail to the appellant on the ground that the other co accused who were similarly situated as the appellant, have been granted bail, also cannot be accepted. It may be noted that parity is not the law. While applying the principle of parity, the Court is required to focus upon the role attached to the accused whose application is under consideration."

12. It is further settled connotation of law that Court cannot exercise its powers in a capricious manner and has to consider the totality of circumstances before granting bail and by simply saying that another accused has been granted bail is not sufficient to determine whether a case for grant of bail on the basis of parity has been established. Reference in this regard may be made to the judgment rendered by the Hon'ble Apex Court in ***"Ramesh Bhavan Rathod vs. Vishanbhai Hirabhai Makwana"*, (2021) 6 SCC 230** wherein it has been held as under:

"25. We are constrained to observe that the orders passed by the High Court granting bail fail to pass muster under the law. They are oblivious to, and innocent of, the nature and gravity of the alleged offences and to the severity of the punishment in the event of conviction. In Neeru Yadav v. State of U.P. [Neeru Yadav v. State of U.P., (2014) 16 SCC 508 : (2015) 3 SCC (Cri) 527], this Court has held that while applying the principle of parity, the High Court cannot exercise its powers in a capricious manner and has to consider the totality of circumstances before granting bail. This Court observed: (SCC p. 515, para 17):

"17. Coming to the case at hand, it is found that when a stand was taken that the second respondent was a history sheeter, it was imperative on the part of the High Court to scrutinise every aspect and not capriciously record that the second respondent is entitled to be admitted to bail on the ground of parity. It can be stated with absolute certitude that it was not a case of parity and, therefore, the impugned order [Mitthan Yadav v. State of U.P., 2014 SCC OnLine All 16031] clearly exposes the nonapplication of mind. That apart, as a matter of fact it has been brought on record that the second respondent has been charge-sheeted in respect of number of other heinous offences. The High Court has failed to take note of the same. Therefore, the order has to pave the path of extinction, for its approval by this Court would

tantamount to travesty of justice, and accordingly we set it aside.”

26. Another aspect of the case which needs emphasis is the manner in which the High Court has applied the principle of parity. By its two orders both dated 21-12- 2020 [PravinbhaiHirabhai Koli v. State of Gujarat, 2020 SCC OnLine Guj 2986] , [Khetabhai Parbatbhai Makwana v. State of Gujarat, 2020 SCC OnLine Guj 2988] , the High Court granted bail to Pravin Koli (A-10) and Kheta Parbat Koli (A-15). Parity was sought with Sidhdhraisinh Bhagubha Vaghela (A-13) to whom bail was granted on 22- 10-2020 [Siddhraisinh Bhagubha Vaghela v. State of Gujarat, 2020 SCC OnLine Guj 2985] on the ground (as the High Court recorded) that he was “assigned similar role of armed with stick (sic)”. Again, bail was granted to Vanraj Koli (A16) on the ground that he was armed with a wooden stick and on the ground that Pravin (A-10), Kheta (A-15) and Sidhdhraisinh (A-13) who were armed with sticks had been granted bail. The High Court has evidently misunderstood the central aspect of what is meant by parity. Parity while granting bail must focus upon the role of the accused. Merely observing that another accused who was granted bail was armed with a similar weapon is not sufficient to determine whether a case for the grant of bail on the basis of parity has been established. In deciding the aspect of parity, the role attached to the accused, their position in relation to the incident and to the victims is of utmost importance. The High Court has proceeded on the basis of parity on a simplistic assessment as noted above, which again cannot pass muster under the law.”

13. In the backdrop of the aforesaid settled position of law this Court has gone through the imputation made against the present petitioner available in the certified copy of supplementary complaint/charge-sheet dated 05.07.2022 in PC No. ECIR/03/2018. The said supplementary complaint/charge-sheet is available on record and the same has been appended as Annexure-1 to the present bail application.

14. The role of the present petitioner has been mentioned in paragraph 11 of the said supplementary complaint/charge-sheet, for ready reference the relevant paragraph is being quoted as under:

*Shashi Prakash (Accused No. 5): -He was Executive Engineer in District Board, Khunti, wherein R. K. Jain (Accused no. 6) was Assistant Engineer and **Ram Binod Prasad Sinha (Accused no. 1)** was Junior Engineer. Shashi Prakash (Accused no. 5) bypassed the proper channel and directly gave project related advance fund to Ram Binod Prasad Sinha in lieu of commission offered by Ram Binod Prasad Sinha as confessed by him in his statement dated 05.07.2020 and 20.09.2021. Shashi Prakash (Accused no. 5) has also stated in his statement dated 26.06.2022 that he was aware and allowed 5% Commission to be paid to Pooja Singhal (Accused no. 2) DC out of the fund disbursed by him to JE Ram Binod Prasad Sinha. It is also found that he bypassed the proper channel for transfer of funds and directly gave project related advance fund to Ram Binod Prasad Sinha (Accused no. 1) and not through AE R.K. Jain (Accused no. 6). He further stated that he did that. because of pressure from Pooja Singhal (Accused no. 2) the then DC, Khunti. He was also aware and allowing payment of 3% of the disbursed amount as commission to R. K. Jain (Accused no. 6). Ram Binod Prasad Sinha (Accusedno. 1) has also confessed that he was paying 2% of the said disbursed amount to Shashi Prakash (Accused no. 5) as commission. Thus, Shashi Prakash has directly indulged and knowingly assisted in the offence of money laundering, and committed an offence of money laundering as described in Section 3 of PMLA and punishable under Section 4 of the said Act.*

15. It is evident from the aforementioned paragraph that the present applicant/petitioner Shashi Prakash (Accused no. 5) bypassed the proper channel and directly gave project related advance fund to Ram Binod Prasad Sinha in lieu of commission offered by Ram

Binod Prasad Sinha as confessed by him in his statement dated 05.07.2020 and 20.09.2021.

16. This Court has further gone through the other various paragraphs of the supplementary complaint/charge-sheet and has found that the nature of imputation made against the present petitioner is similar to the co-accused person particularly Ram Binod Prasad Sinha who has been directed to be released on bail by the Hon'ble apex Court.
17. This Court considering the applicability of principle of parity enunciated by the Hon'ble Apex Court in the case of ***Tarun Kumar vs. Assistant Director Directorate of Enforcement (supra)*** has found that the case of the present petitioner is identically placed to the other co-accused person particularly Ram Binod Prasad Sinha.
18. Further, in addition, thereof, the petitioner has already remained in custody for more than 3 years, which is the minimum punishment stipulated under section 4 in the Act 2002 for the offence alleged to be committed under Section 3 of Act 2002.
19. In the instant case the trial is yet to be concluded since out of 47 witnesses only 17 witnesses have been examined till date.
20. This Court, considering the aforesaid aspect of the matter, is of the view that the present application deserves to be allowed.
21. Accordingly, the instant bail application stands allowed.

22. In consequence thereof, the petitioner named above, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, PML Act, Ranchi in connection with ECIR/03/2018 with the condition that the petitioner shall co-operate in the trial and shall not absent himself on the date fixed without any cogent cause. In failure, the respondent is at liberty to file application before the learned trial court for cancellation of bail, which is to be considered by the trial court in accordance with law so that the trial be not hindered.

(Sujit Narayan Prasad, J.)

8th April, 2026
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