

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

CRIMINAL WRIT PETITION NO. 946 OF 2023

Hasan M. Mushrif ...Petitioner
Versus
1. Enforcement Directorate, Mumbai
2. The State of Maharashtra ...Respondents

Mr. Aabad Ponda, Sr. Advocate a/w Mr. Prashant Patil,
Mr. Swapnil Ambure, Mr. Atit Soni and Mr. Sukrut Mhatre for
the Petitioner

Mr. Anil Singh, A.S.G a/w Mr. Ashish Chavan, Mr. Shreeram Shirsat,
Ms. Smita Thakur, Mr. Zishan Quazi, Mr. Manuj Borkar and
Ms. Nishi Singhvi for the Respondent No.1-ED

Mr. J. P. Yagnik, A.P.P for the Respondent No.2-State

*CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.
TUESDAY, 14th MARCH 2023*

P.C :

1 Heard.

2 By this petition, the petitioner seeks quashing of the
ECIR bearing No. ECIR/MBZO-I/56/2022 registered and

investigated by the respondent No.1-Enforcement Directorate (ED). By way of interim relief, the petitioner prays that no coercive action should be taken by the respondent No.1 against the petitioner in connection with the aforesaid ECIR. There are other interim reliefs, which also have been sought.

3 At the outset, Mr. Anil Singh, learned A.S.G opposed grant of interim relief i.e. no coercive action be taken against the petitioner. He submits that there is an alternative efficacious remedy available to the petitioner and that it is always open for the petitioner to approach the trial Court and seek anticipatory bail under Section 438 of the Code of Criminal Procedure.

4 In view of the objection raised by the learned A.S.G, Mr. Ponda, learned senior counsel appearing for the petitioner, does not press for the said interim relief. He states that the petitioner will approach the trial Court under Section 438 of the Criminal Procedure Code.

5 In order to enable the petitioner to approach the trial Court, we direct the respondent No.1-ED not to take any coercive action against the petitioner, for a period of two weeks from today.

6 If an application for anticipatory bail is filed by the petitioner, the learned Judge to decide the ad-interim/interim prayer seeking pre-arrest bail at the earliest, and in any event, within the said period of two weeks.

7 During this period of protection, the petitioner to attend the ED Office, as and when summoned.

8 We make it clear that we have not gone into the merits of the petition and as such all contentions of all parties are kept open.

9 Stand over to 11th April 2023.

10 All concerned to act on the authenticated copy of this
order.

SHARMILA U. DESHMUKH, J. REVATI MOHITE DERE, J.