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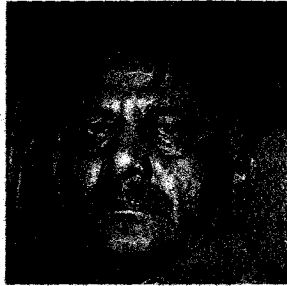
# Shivakumar's bail application dismissed

'Investigation is still at the crucial stage of examining the documents, says court'

SPECIAL CORRESPONDENT  
NEW DELHI

A special court on Wednesday dismissed the bail application of Congress leader D.K. Shivakumar, who was arrested by the Enforcement Directorate earlier this month on money-laundering charge.

"In the course of arguments, the ED has shown certain documents like the list of 317 bank accounts and other documents of properties, etc. which show that investigation is still at



D.K. Shivakumar

the crucial stage of examining the documents and their nexus with the assets of the applicant/account,"

said Judge Ajay Kumar Kohar in his 31-page order.

The court said the accused, as argued by the agency, was an influential person and therefore, the apprehension that he might influence the witnesses, or tamper with documents, could not be treated as unfounded.

"The release of the applicant at such crucial stage ... may hamper the investigation. Therefore, I am of the considered view that the applicant/accused is

not entitled for bail at this stage of investigation," it said.

Given the health concerns, the court had directed the Tihar Jail Superintendent to ensure that all medical needs of Mr. Shivakumar are attended to immediately and in case of any urgent need, he may be taken to the RML Hospital, the Safdarjung Hospital or the All-India Institute of Medical Sciences at the earliest.

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The ED had arrested Mr. Shivakumar, based on documents indicating generation of large sums of money through alleged misuse of official position, alleging that he was non-cooperative and evasive during questioning.

The money-laundering case had been instituted on a chargesheet filed by the Income Tax Department last year, alleging tax evasion and 'hawala' transactions running into crores.

After the completion of his ED custody, the court had earlier sent Mr. Shivakumar to judicial custody. Arguments on his bail plea concluded on September 21. Making submissions on the ED's behalf, Additional Solicitor-General K.M. Nataraj had alleged the possibility of

influencing witnesses in the case. Countering the agency's arguments, senior advocate and defence counsel A.M. Singhvi had urged the court to decide the bail application not on the merits of the case at this stage, but the principle of Triple Test. He said there was no flight risk and no possibility of tampering with evidence, and that the court could also impose necessary conditions on him.

The senior advocate had also questioned the ED probe on the basis of the Income Tax Department's findings, saying the Income Tax Act was not a scheduled offence under the Prevention of Money-Laundering Act. However, the court did not find merit in the defence arguments.

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