2024:KER:29190

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 12TH DAY OF APRIL 2024 / 23RD CHAITHRA, 1946

CRL.MC NO. 2778 OF 2024

AGAINST THE ORDER/JUDGMENT DATED 27.02.2024 IN CRMP 28/2024 SC NO.533 OF 2018 OF SPECIAL COURT FOR TRIAL OF NIA CASES,ERNAKULAM

....

PETITIONER/ACCUSED NOS8, 10, 14 AND 16:

1. P JOHN BRITTO, AGED 57 YEARS
SON OF PHILIP, THIRUVALLUVAR NAGAR,
SIVANANTHAPURAM, SATHYAMANGALAM MAIN ROAD,
COIMBATORE, PIN – 641 035.
2. JOHN KENNEDY, AGED 54 YEARS
SON OF SHRI A. AROKIYAM, NO.1A, 4,
KAMARAJ STREET, KAVERI NAGAR,
KK PUTHUR, SAI BABA COLONY,
COIMBATORE, PIN – 641 043.
3. MARTIN LEEMA ROSE, AGED 54 YEARS
W/O SHRI S.MARTIN, NO.135/1,
THIRUVALLUVAR STREET, G.N. MILL POST,
VELLAKINARU PIRIVU, COIMBATORE – 641 029.
4. DAISY AADHAV ARJUNA, AGED 30 YEARS
W/O SHRI R.K AADHAV ARJUNA, NEW NO.19,
OLD NO.6/3, MAHARANI CHINNAMMA ROAD,
VENUS COLONY, ALWARPET,
CHENNAI-, PIN – 600 018.

BY ADVS.
MATHEWS K. UTHUPPACHAN
THOMAS ABRAHAM (NILACKAPPILLIL)
B.RAHUL KRISHNAN
B.RAMAN PILLAI (SR.)(R-260)

RESPONDENT/S:

DIRECTORATE OF ENFORCEMENT, KOCHI
REPRESENTED BY SPECIAL PUBLIC PROSECUTOR (ED)
HIGH COURT OF KERALA, ERNAKULAM – 682 031.

SMT.SREEJA V., PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12.04.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J

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Crl.M.C.No.2778 of 2024

....

Dated this the 12th day of April, 2024

ORDER

Petitioners are accused Nos.8, 10, 14 and 16 in S.C.No.533/2018 on the files of the Special Court (for the Trial of Prevention of Money Laundering Act Cases), Ernakulam. Initially, they were granted bail by an order dated 01.10.2022 wherein conditions were imposed that they shall not exit India without the prior permission of the court. In the meantime, the first accused in the case was granted bail without imposing any conditions regarding his travel out of the country. Hence, accused No.15 approached this Court for permission to travel abroad, and by order dated 11.12.2023 conditions c & d in Annexure-A1 order were modified by substituting it with two other conditions. Petitioners thereafter approached the Special Court for modification of the bail conditions as relating to them. By order dated 27.02.2024, the Special Court deleted the condition regarding the deposit of passport and directed an amount of Rs.1,00,000/- to be deposited as security. However, the requirement of prior sanction before leaving the country was maintained.

2. Petitioners are aggrieved by the condition directing to obtain permission before leaving the country. This Court had issued Annexure-A3 order dated 11.12.2023 substituting conditions c & d in Annexure-A1 as far as 15th accused is concerned. Respondents have not challenged either Annexure-A1 or Annexure-A3 orders. Since petitioners stand on the same footing as that of the 15th accused, there is no reason why they should not be given the same benefit as that of the 15th accused. Therefore, I am of the view that the same conditions imposed in Annexure-A3 should be incorporated for the petitioners as well.

3. Therefore, condition Nos. c & d in Annexure-A1 order dated 01.10.2022 in Crl.M.P.No.35/2022 in S.C.No.533/2018 on the files of the Special Court (for the Trial of Prevention of Money Laundering Act Cases), Ernakulam shall stand substituted with the following conditions :-

> *"c. Petitioners shall inform the court before leaving India. Petitioners shall also deposit an amount of Rs.one lakh and if they violate any of the conditions of bail, the amount will be forfeited.*

d. Petitioners shall file an affidavit before the jurisdictional court to the effect that they will be represented throughout by a lawyer and that they will not dispute their identity, if the trial proceeds in their absence."

4. In the result, the impugned order to the extent it imposed condition to obtain prior sanction of this Court before travelling outside shall stand set aside.

5. It is clarified that this order shall not be treated as an order permitting renewal of the passport of the petitioners. However, if in case renewal is required appropriate permission shall be obtained from the Jurisdictional court.

The Crl.M.C.is disposed of.

sd/-
BECHU KURIAN THOMAS
JUDGE

AMV/12/04/2024

APPENDIX OF CRL.MC 2778/2024

PETITIONER ANNEXURES

ANNEXURE A1	TRUE COPY OF THE ORDER IN CRL.M.P NO. 35 OF 2022 DATED 01-10-2022 IN S.C NO. 533 OF 2018 OF THE COURT OF SPECIAL JUDGE FOR THE TRIAL OF PREVENTION OF MONEY LAUNDERING ACT CASES, ERNAKULAM.
ANNEXURE A2	TRUE COPY OF THE ORDER DATED 14-9-2018 IN SC NO. 533 OF 2018 OF THE SESSIONS COURT, ERNAKULAM.
ANNEXURE A3	THE TRUE COPY OF THE ORDER DATED 11-12-2023 IN CRL.M.C. NO. 9282/2023.
ANNEXURE A4	TRUE COPY OF CRL.M.P NO.28/2024 IN S.C NO. 533 OF 2018 OF THE COURT OF SPECIAL JUDGE FOR THE TRIAL OF PREVENTION OF MONEY LAUNDERING ACT CASES, ERNAKULAM DATED 16/1/2024.
ANNEXURE A5	THE TRUE COPY OF THE COUNTER STATEMENT IN CRL.M.P NO.28/2024 IN S.C NO. 533 OF 2018 DATED 6/2/2024.
ANNEXURE A6	THE ORDER DATED 27/2/2024 IN CRL.M.P .28/2024 IN S.C NO. 533 OF 2018 OF THE COURT OF SPECIAL JUDGE FOR THE TRIAL OF PREVENTION OF MONEY LAUNDERING ACT CASES, ERNAKULAM.

TRUE COPY