

IN THE COURT OF SESSIONS, ERNAKULAM DIVISION

Present:

**Smt.Sulekha M.,Special Judge, Special Court for the trial of
Offences under the SC/ST(POA) Act**

**Full Addl.Charge of Addl.Dist.& Sessions Judge-VIII,
Ernakulam.**

Wednesday, the 26th day of November, 2025/5th Aghrahayana 1947

Crl.M.P.No.5652/2025

in

Crl.M.P. No.2086/2025

in

Sessions Case No.1626/2023

(Crime No.785/2023 of Thrikkakara Police Station)

Petitioner/Accused No.1:

Shamsheer,aged 33 years, S/o.Usman,
Uroothiyil House, Thalakattoor,Ozhur. P.O.,
Thiroom,Malappuram District.

By Adv. M.J.Santhosh

Respondent/ Complainant :

State of Kerala represented Public Prosecutor,
Sessions Court, Ernakulam.

By the Addl.Public Prosecutor
Adv.Sri.K.M.Shamsudin

This application filed by the accused No.1 for extension of the interim order.

This petition is coming on for hearing on 25.11.2025 and the court on 26.11.2025 passed the following:-

ORDER

This application is filed by the accused for granting extension of six months more time to work abroad.

2. It is submitted that the petitioner is the 1st accused in the above number case for the offences punishable u/s 22(b) and 29 of the NDPS Act. The petitioner/1st accused is working in Dubai as a driver. The application filed by the petitioner/1st accused seeking permission to go abroad for the purpose of employment has been allowed by this Hon'ble Court for a period of six months as per the Order in CrI. M. P. No. 2086/2025 dated 30/05/2025. The true copy of the order dated 30/05/2025 is produced and marked as Annexure A1.

3. The petitioner had already filed an affidavit along with petition to the effect that he would appear before that Court as and when required by that Court. He shall engage a counsel to appear before the Trial Court on all hearing dates and undertakes that the counsel engaged by him would appear before the Trial Court on his behalf on each and every date of hearing and that he shall not object to the recording of the evidence in his absence and that no adjournment shall be asked for on his behalf.

4. It is submitted that the petitioner/accused no. 1 is currently working as light driver at AL SEEF Shipping LLC at Dubai. The true copy of the

offer letter dated 16/07/2025 issued to the petitioner/accused no.1 for a period of 2 year employment is produced herewith and marked as Annexure-A2. It is submitted that the exemption granted by this Hon'ble Court will expire on 30/11/2025. If the court does not extend the Order in Crl. M. P. No. 2086/2025 dated 30/05/2025, it will cause much hardship to the petitioner/1st accused.

5. Heard, the learned counsel appearing for the petitioner and the learned Public Prosecutor. He reiterated the contentions in the report of the Investigation Officer.

6. The petitioner has filed the present application seeking extension of six months more time to work in Dubai. The petitioner was granted bail by the Hon'ble High Court in Bail Application No.4624/2023 as per order dated 11/07/2023. As per Condition No.7 imposed in the bail order, the petitioner is restrained from leaving India without obtaining prior permission from the trial court. Thereafter the petitioner filed a petition in the Court as Crl.M.P.No. 2086/2025 for seeking modification of condition No. 7 in his bail order and the petition was granted to the petitioner to leave India for 6 months.

7. The petitioner submits that he has been strictly complying with all the conditions imposed by the Hon'ble High Court from the date of the bail order, and there has been no violation of any of the terms. The

petitioner contends that the said restrictive condition is causing hardship, as he is required to remain abroad for legitimate purposes and therefore seeks relaxation of the 7th condition for a period of six more months.

8. The learned counsel for the petitioner argued that the continued restriction on foreign travel is no longer necessary, especially since the investigation is substantially completed and the petitioner has been cooperating with the proceedings. It is further submitted that the petitioner has strong roots in society and there is no likelihood of absconding.

9. The learned Public Prosecutor, after perusing the records, submitted that the petitioner has not violated any of the bail conditions thus far. It is also noted that the prosecution has no specific objection to grant limited permission for working abroad, subject to the imposition of appropriate safeguards ensuring the petitioner's presence whenever required.

10. On a consideration of the submissions and on a perusal of the case records, it is evident that the petitioner has fully complied with all conditions imposed by the Hon'ble High Court. There is no material placed before this Court to indicate that granting permission for foreign travel would prejudice the smooth progress of the trial or hamper the

prosecution case. At the same time, the request of the petitioner appears to be bona fide and reasonable.

11. In these circumstances, this Court is of the view that the petitioner can be permitted to remain abroad for a period of six more months, subject to strict compliance with the conditions imposed in the order in Crl.M.P. NO. 2086/2025 in SC No.1626/2023 dtd 30/05/2025.

In the result, the petition is allowed

Dictated to the confidential Assistant, transcribed and typed by him, corrected and pronounced by me in open court on this the 26th day of November 2025.

Sd/-

**Sulekha M.,
Special Judge,
Special Court for the trial of Offences under the
SC/ST(POA) Act
Full Addl.Charge of Addl.Dist.& Sessions Judge-VIII,
Ernakulam.**

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Order Dated:26.11.2025.