

**IN THE COURT OF THE SPECIAL JUDGE (SPE/CBI)-I
(SPECIAL COURT UNDER PREVENTION OF MONEY
LAUNDERING ACT, 2002)
ERNAKULAM**

Present :-

Sri. Anil.K.Bhaskar, Special Judge (SPE/CBI) – I, Ernakulam
Tuesday the 21st day of February, 2023 / 2nd Phalguna 1945

Cri. M.P. No.9/2023

In

SC No.533/2018

Petitioner/Accused No.15:

Jose Charles Martin, Aged 34 years,
S/o.Shri.S.Martin,No.135/1,Thiruvalluvar
Street, G.N Mill Post, Vellakinaru Pirivu,
Coimbatore, 641 029.

By Adv. Mathews K. Uthuppachan

Counter Petitioner/Complainant:

Directorate of Enforcement

**Represented by Govindu.P. Renuka Devi,
Special Public Prosecutor, PMLA for
Directorate of Enforcement.**

This petition filed by counsel for accused No.15 for permission to travel abroad and release passport to the petitioner counsel.

This Criminal MP coming on for hearing before me on 21.02.2023 and the Court on the same day passed the following:

ORDER

This application is filed on behalf of Accused No.15 seeking permission to go abroad during the period from 01.03.2023 to 07.03.2023 and for that purpose to release his passport which is now in the custody of this court.

2. On 01.10.2022, petitioner appeared before this court and he was

released on bail imposing conditions to the effect that he shall not exit India without the prior permission of this court and further to surrender his passport before this court within ten days. He had complied the said direction and the passport surrendered by him is now in the custody of this court.

3. Petitioner is a business man. This is the fourth application seeking permission to go abroad. His earlier applications (CrI.M.P.44/22, CrI.M.P.65/22 and CrI.M.P.03/23) were allowed by this court imposing conditions and also to deposit ₹2,00,000/- as security amount. The security amount deposited by him is still in court deposit. On earlier occasions, he had complied all the conditions and on his return from abroad surrendered his passport before the court. The passport is now in the custody of the court.

4. Now comes the present petition. He propose to visit Finland for a business meeting with ENERED OY, a Finland based Energy Management Company and also to visit their company. Annexure A is the copy of the invitation letter received by the petitioner. He would say that he requires his passport for applying for visa as well as for effecting the proposed journey abroad.

5. Notice served to the prosecution. The learned prosecutor raised a concern over the repeated applications being filed seeking relaxation of the bail condition by just producing a copy of the email projecting it as an invitation for a business meet. It is submitted that relaxation of the bail condition is not the rule but only an exception. It is pointed out that, in this technology advanced era, business meets and interactions can be effectively done through video conference, hence the petitioner is having an additional burden to convince the court that his physical

presence is inevitable so as to entitle him for relaxation of the bail condition to travel abroad.

6. There is force in the submission made by the learned public prosecutor. Since the petitioner is a business man and on all the earlier occasions he had strictly complied the conditions imposed by this court while granting permission to go abroad, I am inclined to allow the present application and give permission to the petitioner to go abroad subject to the very same conditions imposed earlier. At the same time it is made clear that, in future permission will not be granted to go abroad unless and until petitioner convince the court about the existence of an exceptional circumstance wherein his physical presence is inevitable.

7. For all these reasons, I am inclined to allow the application imposing very same conditions as stated in the order passed in CrI.M.P.03/2023.

In the result, petition allowed as follows:-

- a) The petitioner is given permission to leave the country to travel to Finland during the period starting from 01.03.2023 and ending on 07.03.2023 for his business purpose.
- b) To that extent bail conditions stand relaxed.
- c) The petitioner shall file an affidavit before the court giving details of his travel plan, specifying the flight numbers (to and fro tickets), his place of stay and contact number in Finland. Along with this affidavit he shall produce copy of the travel documents including air ticket and visa.
- d) That the petitioner shall either deposit ₹2,00,000/- as security amount

before this court or shall file an affidavit stating that the security amount of ₹2,00,000/- already deposited before the court is to be treated as the security amount of this proceedings and he shall not withdraw the said amount without the prior permission of the court.

- e) Thereafter, the petitioner is entitled to get back his passport which is now kept in court custody.
- f) The petitioner shall appear and surrender his passport before this court on 17th March 2023.
- g) If the petitioner fails to appear and surrender his passport before the court on 17th March 2023, the security amount deposited by him will stand forfeited and his bail bond canceled and he will be liable for all the consequences that follow.

Dictated to the Confidential Asst., typewritten by her directly to computer system, corrected and pronounced by me in open court on this the 21st day of February, 2023.

Sd/-
Anil K. Bhaskar
Judge, Spl. Court for PMLA Cases

Appendix: Nil

Id/-
Judge, Spl. Court for PMLA Cases
(By Order)

//True Copy//

Sd/-
Sheristadar.