

**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
Wednesday the 10th day of May, 2023 / 20th Vaisakha, 1945.

Crl. M.P. No. 23/2023

IN

In SC No. 533/2018

Petitioners/Accused
No. 15:

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

**By Adv. Sri. Mathews K. Uthuppachan.
And Adv. Thomas Abraham**

**Respondent/
Complainant:**

Directorate of Enforcement, Represented
by the Prosecutor (PMLA)

**By Adv Govindu.P. Renuka Davi Special
Public Prosecutor PMLA.**

This petition coming on for hearing before me on 10.05.2023 and the Court on the same day passed the following:

ORDER

This application is filed on behalf of the A15 Jose Charles Martin to delete conditions (c) & (d) imposed in the bail order dated 01.10.2022.

2. Those Conditions are the following:-

(c) The accused shall not exit India without the prior permission of this court.

(d) The accused shall surrender their passport before this court within ten days. If they are not holding passport, stating these facts, they shall file an affidavit before this court.

3. The petitioner would submit that till this date petitioner never violated any of the bail conditions. He had already surrendered his passport before the court and it is in the court custody. He has been scrupulously complying with all the conditions stipulated in the bail order. He is fully co-operating with the ongoing further investigation. He had gone abroad on several occasions but only with the prior permission of the court. He had deposited security amount before the court. On all occasions, he had promptly returned to India within the stipulated period.

4. The petitioner would submit that the petitioner is a businessman and his intended businesses are mostly in Lottery, Tourism and Hospitality Sector, which is a specialized sector which requires physical presence from time to time. It requires repeated and continuous inspections of the work done, signing of Memorandum of Understandings with different entities in various countries concerned, and many number of regulatory compliances to be fulfilled in the place of business as such. In this given situation he has to undertake frequent trips outside India, otherwise his business interest will suffer. In view of the condition no. (c) & (d) imposed by the court while granting bail to the petitioner, he will not be able to undertake his business trips frequently. It is causing impediments in successfully running and expanding his business. For these reasons, he is compelled to approach this court seeking deletion of those conditions imposed in

the bail order. It is submitted that the petitioner has deep roots in the society and close family relationship in India. Petitioner is involved in charity work and is the Secretary of Martin Charitable Trust, a Not-for-profit charitable organisation which works to fight against poverty, disease and inequity in India. This petitioner is not at all a flight risk and there exist no chance of absconding. Basing on these facts and circumstances, petitioner prays for a favorable order lifting those two conditions which imposed restrictions on his travel at abroad.

5. Notice served to the respondent. The Assistant Director, Directorate of Enforcement filed counter statement opposing the petition. It is submitted that, at the first instance CBI registered case against A1 Martin the father of the petitioner herein. In 2014, CBI filed charge sheet against him before CJM Court, Ernakulam for offences punishable under sections.120B, 420 IPC besides Sec.4(d), 4(f), 7(3), 9 of Lotteries (Regulation) Act, 1998 and 3(5), 4(5) of Lotteries (Regulation) Rules, 2010 and the same is pending.

6. There is allegation of massive fraud, forgery, counterfeiting lottery tickets, sale of unauthorised and fake tickets, deception of prize winning tickets and thereby amassing of huge amounts as proceeds of crime. The offences charged against A1 Martin includes scheduled offences under PMLA, 2002. In 2014 itself, the Directorate of Enforcement registered case against A1 Martin and the investigation revealed that Martin and his associates has involved in the processing of money laundering thereby committed the offences of money laundering defined u/s.3 and made punishable u/s.4 of PMLA. After thorough investigation, in 2018,

ED filed complaint against A1 Martin and 6 others and on its basis the above case was taken on file. Investigation continued to trace out the entire proceeds of crime and the concealed properties. On the basis of further investigation conducted, a supplementary complaint was filed before this court in 2022 implicating additional accused, in which the petitioner was made an accused no.15. From the investigations conducted so far, 5 provisional attachment orders were issued for attachment of various movable and immovable properties of the accused person involved, totally worth Rs.451 crores. Investigation revealed that petitioner herein was in charge of the business of various companies, wherein A1 Martin had made investments from and part of the proceeds of crime and many item properties were purchased in the name of above firms utilizing the proceeds of above crime. The petitioner herein being part of organized crime and has committed serious economic offences, the bail conditions imposed by the court restricting his exit from India is quite reasonable and highly required to ensure his presence during the trial. Otherwise, there is every chance that the petitioner will abscond to any foreign country which provides visa at arrival with whom our country is having no extradition treaty. It is submitted that, for genuine exit from India, petitioner can very well approach the court and get permission to go abroad and on various occasions this court had granted permission also. In spite of this, the petitioner came up with this petition to completely delete the conditions imposed in the bail, restricting his exit from India. In this circumstance, it is quite reasonable to infer that the petitioner is under preparation to abscond from the process of law and the

recent experiences regarding high profile fraudsters affirms this belief. For all these reasons, respondent prays for the dismissal of the petition.

7. Heard both sides. Money laundering poses a serious threat not only to the financial system of the countries but also to the integrity and sovereignty. The money generated through illegal activities is ultimately inducted and integrated with legitimate money and its species like movable and immovable property. The PMLA Act, 2002 intends to make money laundering an offence u/s.3 thereof and provides for punishment which extends to imprisonment as well as imposition of fine u/s. 4. This apart, a scheme of Act envisages attachment of all properties involved in money laundering, its adjudication and confiscation. It is really a crime against the society and the whole mankind. Taking note of its seriousness and gravity, stringent provisions were incorporated restricting the granting of bail to the persons involved in money laundering.

8. Back to the facts, the allegations against the petitioner and other accused are grave in nature. The amount involved is more than 400 crores. The petitioner and other accused are having high connections and their business activities extend to many countries. As rightly pointed out by the learned public prosecutor it is easy for the petitioner and other accused to run away from this country. Again as rightly pointed out by the learned public prosecutor, recent developments and incidents in connection with prominent economic offenders who absconded to alien countries, give us clear lessons in this regard.

9. While granting bail this court observed that "economic offences

constitute a class apart and need to be visited with a different approach in the matter of bail. Therefore, this court find it necessary to impose conditions including a direction to the accused to surrender their passport before the court". Merely because that on all earlier occasions, the petitioner had promptly returned back after his visit to foreign countries as permitted by this court is not a ground to have a finding that this man will never abscond hereinafter. Ensuring the presence of the accused during trial is the foremost concern of the court. Considering the stake of the matter involved in this case, the conditions no.(c) & (d) in the bail order shall continue in force. This is not the time to lift those conditions. For all these reasons, the above petition deserves a dismissal.

In the result, petition stands dismissed.

Dictated to the Confidential Asst., typewritten by her directly to computer system, corrected and pronounced by me in open court on this the 10th day of May, 2023.

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

Appendix : Nil.

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

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Sd/-
Sheristadar