

**IN THE SPECIAL COURT FOR THE TRIAL OF PMLA CASES/
(SPECIAL COURT (SPE/CBI)-I), ERNAKULAM.**

Present: Sri. Anil.K. Bhaskar, Judge for PMLA Cases

Tuesday the 23rd day of May, 2023 / 2nd Jyaishta, 1945.

Crl. M. P. No. 27/2023

In

S C. No.533/2018

Petitioner/Accused No.14 and 16

- 1 Martin Leema Rose, aged 55 Years, W/o. Shri.S.Martin, No.135/1, Thiruvalluvar Street, G.N Mill Post, Vellakinaru Pirivu, Coimbatore-641029
2. Daisy Aadhav Arjuna, aged 31 years, W/o Shri R.K. Aadhav Arjuna, New No. 19, Old No.6/3, Matharani Chinnamma Road, Venus Colony, Alwarpet, Chennai-600 018.

By M/s. Raman Pillai Associates

Adv. Sri. Mathews K Uthuppachan,

Adv. Sri. Abhishek Singh, Adv. Sri. Amit Bhalla

Respondent/Complainant

: Deputy Director, Directorate of Enforcement, Cochin Zonal Office, Kanoos Castle, A.K Sheshadri Road, Mullassery Canal Road West, Cochin – 682011, Kerala

Represented by Govindu.P. Renuka Devi

Special Public Prosecutor (PMLA) for

Enforcement Directorate.

This Criminal M.P coming on for hearing before me on 23.05.2023 and the Court on the same day passed the following:

ORDER

This application is filed on behalf of Accused No.14 & 16 seeking permission to go to Australia during the period from 26.05.2023 to 01.06.2023 and for that purpose to retain their passports which is now in their custody being released to them as per the order passed in Crl.M.P.25/2023.

2.When the petition came up for hearing, learned counsel for the petitioners

submit that due to ill health A16 had cancelled her proposed visit to Australia, hence the plea made by A14 alone is to be considered in this proceedings.

3. On 01.10.2022, A14 appeared before this court and she was released on bail imposing conditions to the effect that she shall not exit India without the prior permission of this court and further to surrender her passport before this court within ten days. A14 complied the said direction and the passport surrendered by her is now in the custody of this court.

4. This is not the first time the A14 is seeking permission to go abroad. Her earlier applications were allowed and she was permitted to travel abroad imposing identical conditions and one of the condition was to deposit ₹2,00,000/- before the court. On all those occasions the passport was released to A14 with a direction to surrender it before the court immediately after her return. A14 had complied all those conditions without fail. The security amount deposited by her at the first instance is still in court deposit and it is being treated as security amount for her subsequent visits also.

5. Now comes the present petition. The petitioner is an office bearer of Rotary club, the world's first service club organisation. The Rotary International Convention is scheduled to be held at Melbourne in Australia from 27.05.2023 to 31.05.2023 at Melbourne Convention and Exhibition Centre and Rod Laver Arena. A14 is an invitee to the said convention as evident from Annexure-A email communication and Annexure-B invitation letter. A14 being a registered entrant for the event, she is seeking permission from this court to travel abroad for the said purpose.

6. Notice served to the prosecution. Learned prosecutor opposed the application pointing out that frequent relaxation of the bail conditions will give a wrong message and it will facilitate the petitioner to jump the bail and abscond. In the alternative, it is submitted that, if the court is inclined to allow the application stringent conditions similar to those imposed on earlier occasions shall be continued.

7. Heard both sides. The documents annexed to the petition will prima facie prove the petitioner in her capacity as the Vice President of the Rotary Club of Coimbatore is a registered entrant for the Convention of Rotary International to be held in Australia. There is nothing to suspect any malafides behind this petition. On all earlier occasions petitioner fully complied the directions issued by this court. For all these reasons, I am inclined to allow the application imposing the very same conditions as stated in the order passed in CrI.M.P.25/2023.

In the result, petition allowed as follows:-

- a) The petitioner/A14 Martin Leema Rose is given permission to leave the country to travel to Australia during the period from 26.05.2023 to 01.06.2023 to attend the Rotary International Convention scheduled to be held in Melbourne, Australia from 27.05.2023 to 31.05.2023.
- b) To that extend bail conditions stand relaxed.
- c) The petitioner/A14 shall file affidavit before the court giving details of her travel plan, specifying the flight numbers (to and fro tickets, her place of stay and contact number in Australia along with this affidavit, she shall produce copy of the travel documents including air tickets.

- d) That the petitioner/A14 shall either deposit ₹2,00,000/- as security amount before this court or shall file affidavit stating that the security amount of ₹2,00,000/- already deposited by her before the court is to be treated as the security amount for this proceedings.
- e) The petitioner/A14 shall appear and surrender her passport before this court on the next hearing date of the case.
- f) Thereafter the petitioner/A14 is entitled to apply for the release of the security amount deposited before the court.
- g) If the petitioner/A14 fails to appear and surrender her passport before the court as directed above, the security amount deposited by her will stand forfeited and her bail bond canceled and she 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 23rd day of May, 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