

**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

Friday the 14th day of October, 2022 / 22nd Aswina, 1944.

Crl. M. P. No. 44/2022

In

S C. No.533/2018

Petitioner/Accused No.15

Jose Charles Martin, Aged 33 Years, S/o. Shri. S.Martin, No.135/1, Thiruvalluvar Street, G.N Mill Post, Vellakinaru Pirivu, Coimbatore - 641029

**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 14.10.2022 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 15.10.2022 to 23.10.2022 and for that purpose to release his passport which is now in the custody of this court.

2. Notice served to the prosecution. Learned prosecutor opposed the application for two reasons. Firstly, the purpose of the visit has not been disclosed in detail. Secondly, one cannot rule out the possibility that, the petitioner will mis use the permission and stay back in London which will adversely affect the further investigation that is going on and

also the trial and disposal of this case.

3. Heard both sides.

4. On 01.10.2022, petitioner(A15) 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.

5. On the same day, he moved CrI.MP 37/2022 seeking permission to visit London on 03.10.2022 for business purpose. Since it was a pre-scheduled visit before the bail conditions happened to be imposed, this court allowed the application by imposing certain conditions.

6. It is submitted that, petitioner was not able to utilise the permission granted by this court and to visit London for the reason that, by that time his visa got expired and he failed to notice it earlier. Subsequently, he applied and obtained fresh visa with effect from 03.10.2022, valid for a period of 10 years. In the meanwhile he had also surrendered his passport before this court.

7. Now comes the present application seeking permission afresh to visit U.K for business purpose with a further request to release the passport.

8. It is to be made clear that, relaxation of the bail conditions shall be an exception rather than a rule. A liberal approach in this regard will lead to its misuse. We cannot completely rule out the possibility that the accused will misuse the permission and will abscond. Petitioner herein is a business man. Business compulsions will sometimes make it necessary to carry out visit abroad. Here this court had earlier granted permission to the petitioner to visit London for his business purpose. He was not able to utilise the said permission for want of a valid visa. Now he had obtained fresh visa. In this given circumstance, there is nothing to doubt the bonafides of the petitioner in moving the

present application even though as rightly pointed out by the learned prosecutor, the petitioner had not explained in detail his business compulsions, which he ought to have mentioned in the petition. Any way petitioner can be directed to file an affidavit disclosing all the details of his itinerary.

9. The apprehension of the prosecution is that the petitioner will misuse the permission and will abscond. It appears to me that a further condition apart from the conditions imposed in the original bail order, directing the petitioner to deposit an amount of ₹2,00,000/- making it clear that if the petitioner fails to return back to India on or before 23.10.2022 the said amount will be forfeited to the Government. Such a condition will be sufficient to ensure that he will not abscond. Needless to say that any violation in this regard will also result in the cancellation of the original bail bond and the consequence will follow.

In the result, petition allowed as follows:-

- a) The petitioner is given permission to leave the country to travel to United Kingdom during the period starting from 15.10.2022 and ending on 23.10.2022 for his business purpose.
- b) To that extend 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 U.K. Along with this affidavit he shall produce copy of the travel documents including air tickets.
- d) That the petitioner shall deposit before this court ₹2,00,000/- as security amount.
- e) Upon the deposit of the said amount, 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 29th October 2022.

g) Thereafter he is entitled to apply for the release of the security amount deposited before the court.

h) If the petitioner fails to appear and surrender his passport before the court on 29th October 2022, 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 14th day of October, 2022.

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