

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

Present:-

Sri. P.K. Mohandas, Judge, Special court for PMLA Cases

Saturday the 24th day of February, 2024 / 5th Phalguna, 1945.

Crl.M.P. No.68/2024

in

SC No.533/2018

Petitioners/Accused Nos.
44 to 53:

- 1) M/s. Martin Happy Homes (P) Ltd.,
Mettupalayam Road, G.N Mill Post,
Coimbatore - 641 029, represented by its
Director Mr. M. Sivaprakash. (A44).
- 2) M/s. Dominant Towers (P) Ltd., (Presently
M/s. Dominant Towers and Traders (P)
Ltd.), No. 54, Mettupalayam Road, G.N
Mill Post, Coimbatore - 641 029,
represented by its Director Mr. M.
Sivaprakash. (A45).
- 3) M/s. Charles Property Developers (P)
Ltd., No. 54, Mettupalayam Road, G.N
Mill Post, Coimbatore - 641 029,
represented by its Director Mr. M.
Sivaprakash. (A46).
- 4) M/s. Dominant Homes (P) Ltd., No. 54,
Mettupalayam Road, G.N Mill Post,
Coimbatore - 641 029, represented by its
Director Mr. A. John Kennedy. (A47).
- 5) M/s. Dominant Dwellers and Dealers (P)
Ltd., No. 54, Mettupalayam Road, G.N
Mill Post, Coimbatore - 641 029,
represented by its Director Mr. A. John
Kennedy.(A48).

- 6) M/s. Dominant Shelters and Agencies (P) Ltd., No. 54, Mettupalayam Road, G.N Mill Post, Coimbatore - 641029, represented by its Director Mr. A. John Kennedy. (A49).
- 7) M/s. Smart City Homes LLP, No. 54, Mettupalayam Road, G.N Mill Post, Coimbatore - 641 029, represented by its Partner Mr. A. John Kennedy. (A50).
- 8) M/s. Affluent Towers LLP, No. 54, Mettupalayam Road, G.N Mill Post, Coimbatore - 641 029, represented by its Partner Mr. M. Sivaprakash. (A51).
- 9) M/s. Hrithvi Real Estate LLP, No. 54, Mettupalayam Road, G.N Mill Post, Coimbatore - 641 029, represented by its Partner Mr. M. Sivaprakash. (A52).
- 10) M/s. Charming Skyscrapers and Agency (P) Ltd., No. 54, Mettupalayam Road, G.N Mill Post, Coimbatore - 641 029, represented by its Director Mr. A. John Kennedy. (A53).

**A44 to A53 represented by
Adv. Sri. Mathews K. Uthupachan.**

Respondent/Complainant:

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

This petition coming on for hearing before me on 24.02.2024 and the Court on the same day passed the following:

ORDER

This application for bail is filed by A44 to A53.

2. The petitioners are implicated in this case as additional accused Nos.44 to 53 on the basis of the further report submitted by the complainant as per

order dated 16.11.2023. Among these accused, A44 to 49 and A53 are private limited companies and accused Nos.50 to 52 are limited liability partnership firms represented by its authorised representatives. Accused Nos. 44, 45, 46, 51 and 52 are represented by Shri. M.Sivaprakash and Accused Nos. 47, 48, 49, 50 and 53 are represented by Mr. A.John Kennedy. They are permitted to represent the companies/firms as per order in CrI.M.P.67/2024 filed u/s.305(3) of CrPC. Mr.Sivaprakash and Mr.John Kennedy are accused in the case in their personal capacity.

3. Learned Public Prosecutor has no serious objection in granting bail to the accused. But she argued that stringent conditions are to be imposed to ensure the presence of the accused in court as well as before the Enforcement Directorate since their presence may be required for further investigation of the case.

4. It is well settled that economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. Therefore, I find it necessary to impose conditions, including a direction to the accused to surrender their passports before the court.

In the result, the petition allowed. The petitioners, A44 to A53, shall be released on bail on the following conditions:-

- a) That each accused shall execute bond for Rs.2 lakhs, with two solvent sureties each for the like sum.
- b) The accused shall appear before the investigating officer (ED) as and when they receive a written notice to appear during the course of further

investigation.

- c) The accused shall not leave India without the prior permission of this court.
- d) The representatives of accused above mentioned, shall surrender their passport before this court within 10 days, if not already surrendered. If they are not holding passport, or else surrendered before any other court, they shall file an affidavit before this court.

Dictated to the Confidential Asst., transcribed by her, corrected and pronounced by me in open court on this the 24th day of February, 2024.

Sd/-
P. K. Mohandas
Judge, Special Court for PMLA Cases

Appendix: Nil

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

//True Copy//

Sd/-
Sheristadar.