

**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**  
Tuesday the 27<sup>th</sup> day of February, 2024 / 8<sup>th</sup> Phalguna, 1945.

**Crl.M.P. No.09/2024**

**in**

**Crl.MP No. 34/2022 in SC No.533/2018**

**Petitioners/  
Accused Nos. 11 and 18**

1. N. Jayamurugan (A11), S/o. Nagalingam, Old No. 40, New No. 81, First Cross Street, CIT Nagar, Nandanam, Chennai – 600 035.
2. J. Geetha (A18), W/o. Jayamurugan, Old No. 47, New No. 99, Canal Bank Road, CIT Nagar, Nandanam, Chennai – 600 035.

**Represented by**

**Adv. Sri. John Prakash Bavakkat.**

**Respondent/Complainant:** : Deputy Director, Directorate of Enforcement, Cochin Zonal Office, Kanoos Castle, A.K. Seshadri Road, Mullassery Canal Road West, Cochin – 682 011.

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

This Criminal M.P coming on for hearing before me on 24.02.2024 and the Court on 27.02.2024 passed the following:

**ORDER**

This application for modification of bail conditions is filed by accused Nos. 11 & 18.

2. The 1<sup>st</sup> petitioner/accused No.11 was a partner in firm named as

M/s.M.J. Associates which is the sole stockiest in the state of Kerala for the sale of lottery tickets organized and conducted by Government of Sikkim and the 2<sup>nd</sup> petitioner/accused No.18 is a shareholder and director of the M/s.M. J. Associates. The present case is taken on file on the basis of the complaint filed by the respondent for offence punishable u/s. 4 r/w. sections 17 & 8(5) of the Prevention of Money Laundering Act, 2002. The petitioners appeared before this court upon summons and as per order in Crl.M.P.34/2022 dated 01.10.2022, this court granted bail to the petitioners on imposing conditions. While granting bail, this court imposed certain conditions. The condition (b), (c) and (d) reads as follows; (b) "The above accused shall appear before the Investigating Officer (ED) as and when they receive a written notice to appear during the course of ongoing further investigation", (c) "The above accused shall not exit India without the prior permission of this court", (d) "The above accused (except A11) shall surrender their passport before this court within 10 days. If they are not holding passport, stating these facts, they shall file an affidavit before this court". The petitioners have complied with all conditions stipulated in the bail order, including surrendering their passports. This petition is filed for modifying these conditions.

3. The complainant filed a detailed objection opposing the petition. It is contended that if the bail conditions are relaxed, the petitioners may not appear before the court and they may leave the country. The presence of the

accused in India is necessary for the further investigation of the case.

4. I have heard the counsel appearing for the petitioner and the Public Prosecutor.

5. It is submitted that one of the accused in this case filed Crl.M.C. No.9282/2023 before Hon'ble High Court of Kerala for modifying the bail conditions and the Hon'ble High court allowed the same as per order dated 11.12.2023. The petitioners are the Managing Directors in multiple companies across various industries, and their products are exported worldwide. They are currently engaged in negotiations and discussions for exports of expanding their business in several countries. The petitioners have deep roots in society, and has close family members permanently residing in India. So there is no chance of evading the process of the court and they will not flee or escape from legal proceedings. Investigation has been completed and final supplementary report has been filed by the respondent.

6. The learned Special Public Prosecutor submitted that if the bail conditions are modified/deleted, there is a chance of absconding and the petitioners may not return to India, since they are having valid passport with valid visa for several countries. They can leave country at any time without any hindrance because of which will have adverse implications on the further proceeding and trial.

7. As submitted by the Special Public Prosecutor, the allegations

against the petitioners are serious in nature. The petitioners were released on bail on strict condition. It is submitted by the defence counsel that no such stringent conditions were imposed while releasing the first accused on bail. The conditions imposed while granting bail to the 15<sup>th</sup> accused is set aside by the Hon'ble High Court as per the order cited above. The learned defence counsel submitted that the petitioners also may be treated in par with other accused and the conditions may be relaxed. The prosecution has no case that the petitioners tried to evade the process of the court at any point of time. They got business establishments in India. There is no much force in the apprehension that the petitioners may leave the country. In the light of the decision of the Apex Court in *Maneka Gandhi v. Union of India* (1978 (1) SCC 248) and other binding precedents, I am of the view that it is not necessary to keep the passport of the petitioner in the court custody. But, at the same time certain restrictions have to be imposed on the petitioners to ensure their presence at the time of trial of the case. Hence I am of the view that the certain conditions in the bail order can be modified/relaxed.

8. In the light of the above discussion, I am of the view that the petition can be allowed in part and the bail conditions can be modified as follows :

1. The condition that the petitioners shall surrender their passport before this Court is deleted and the passport, if already

surrendered, will be released to the petitioners on their depositing a sum of Rs.1,00,000/- as security deposit.

2. The petitioners shall obtain the prior sanction of this Court before leaving the Country.
3. All other conditions in the previous order shall stand unaltered.
4. If the petitioners violate these conditions, the security amount will be forfeited, in addition to the cancellation of bail already granted.

Dictated to the Confidential Asst., transcribed by her, corrected and pronounced by me in open court on this the 27<sup>th</sup> 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)

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Sd/-  
Sheristadar.