

**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 27th day of February, 2024 / 8th Phalgun, 1945.

Crl.M.P. No.28/2024

in

SC No.533/2018

Petitioners/ Accused Nos.
8, 10, 14 and 16.

1. P. John Britto (A8), aged 57 years,
S/o. Philip, Thiruvalluvar Nagar,
Sivanandapuram, Sathyamangalam Main
Road, Coimbatore – 35.
2. John Kennedy (A10), aged 54 years,
S/o. A. Arokiyam, No. 1 A, 4, Kamaraj
Street, Kaveri Nagar, K.K. Puthur, Sai
Baba Colony, Coimbatore – 641 043.
3. Martin Leema Rose (A14), aged 54
years, W/o. S. Martin, No.135/1,
Thiruvalluvar Street, G.N Mill Post,
Vellakinaru Pirivu, Coimbatore- 641 029.
4. Daisy Aadhav Arjuna (A16), Aged 30
Years, W/o. R.K. Aadha Arjuna, New
No.19, Old No.6/3, Maharani
Chinnamma Road, Venus Colony,
Alwarpet, Chennai- 600 018.

Represented by

Adv. Sri. Mathews K Uthuppachan.

Respondent/Complainant: : **Directorate of Enforcement,
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 condition is filed by accused Nos. 8, 10, 14 & 16.

2. The petitioners are facing trial of offence punishable u/s. 4 r/w. Section 70 and 8(5) of the Prevention of Money Laundering Act, 2002. The petitioners were implicated in the case as additional accused Nos.8, 10, 14 and 16 on the basis of the supplementary complaint submitted by the complainant on 03.06.2022. Thereafter, as per order Crl.M.P. No.35/2022 dated 01.10.2022 of this court, petitioners were released on bail on condition. While granting bail, this court directed that : (c) "The above accused shall not exit India without the prior permission of this court", (d) "The above accused 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". It is submitted that the petitioners have complied with all conditions, including surrendering of 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 15th 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 27th 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.