

**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. 45/2022

In

S C. No.533/2018

Petitioner/Accused No.14

Martin Leema Rose, aged 54 Years, W/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.14 seeking permission to go abroad during the period from 14.10.2022 to 26.10.2022 and for that purpose to release her 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 the petition. Secondly, one cannot rule out the possibility that, the petitioner will misuse the permission and stay back in USA 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(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. In compliance of the said order, petitioner had surrendered her passport before this court which is now in court custody.

5. Now comes the present application seeking permission to visit United States of America with a further request to release her passport. It is submitted that, petitioner had made all arrangements for her visit to United States much before this court imposed bail conditions. It is submitted that, being a pre-scheduled visit, permission may be granted to carry out the visit, otherwise irreparable injury will be caused to her. She made an undertaking that, she will come back from the USA without fail on the date mentioned in the petition.

6. As rightly pointed out by the learned public prosecutor, the purpose of the visit has not been disclosed in the petition. At the time of hearing, it is submitted that, petitioner is a member of Rotary Club of Coimbatore and she is the International Avenue Chairman and its Vice President. She was an invitee for the Rotary International Convention in Houston, Texas, United States held on 04-08 June 2022. Unfortunately, she could not undertake the journey to participate in the said convention. But now she is delegated as the person to exchange flags on behalf of Rotary Club of Coimbatore with International Rotary Clubs to be held on 19.10.2022 in the United States of America. Petitioner produced the copy of the invitation letter as well as the letter delegating her as a participant to exchange flags. Since it is a pre-scheduled travel plan, representing an organisation wherein she is the Vice President, prima facie 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 disclosed the purpose of her visit in the petition, which she ought to have mentioned in the petition. Any way petitioner can be directed to file an affidavit disclosing all the details of her itinerary.

7. 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 26.10.2022 the said amount will be forfeited to the Government. Such a condition will be sufficient to ensure that she 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 States of America during the period starting from 14.10.2022 and ending on 26.10.2022.
- b) To that extend bail conditions stand relaxed.
- c) The petitioner shall file an 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 United States of America along with this affidavit she 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 her passport which is now kept in court custody.
- f) The petitioner shall appear and surrender her passport before this

court on 29th October 2022.

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

h) If the petitioner fails to appear and surrender her passport before the court on 29th October 2022, 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 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