

**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 18<sup>th</sup> day of May, 2024 / 28<sup>th</sup> Vaisakha, 1946.

**Crl.M.P. No.136/2024**

**in**

**SC No.533/2018**

**Petitioners/  
Representatives of  
Accused Nos. 9, 31 to 34,  
39, 40, 44 to 46, 51 and 52**

- 1) M. Sivaprakash, aged 58 years, S/o. SH Manicka Gownder, residing at 51-C, Guhan Niwas, SPS Street, Sivananthapuram, Saravanampatti, Coimbatore – 641 035.
- 2) G. Natarajan, aged 58 years, S/o. Govindasamay, residing at Site No. 16/29, Capetown, Thudiyalur, Appanaickenpalayam, Coimbatore – 641 034.

**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 18.05.2024 and the Court on the same day passed the following:

**ORDER**

This application for modification of bail conditions is filed by the representatives of accused Nos. 9, 31 to 34, 39, 40, 44 to 46, 51 & 52.

2. The 1<sup>st</sup> petitioner is representing accused Nos.9, 31, 32, 44 to 46, 51 & 52 and the 2<sup>nd</sup> petitioner is representing accused Nos.33, 34, 39 & 40 in the

case. The petitioners are not implicated as accused in their individual capacity and accused Nos.9, 31 to 34, 39 & 40, 44 to 49, 53 are private limited companies, 50 to 52 are LLPs. The court granted bail to Accused Nos.9, 31 to 34, 39 & 40 as per order in Crl.M.P.58/2022 dated 03.12.2022 and accused Nos. 44 to 46, 51 & 52 as per order in Crl.M.P. 68/2024 dated 24.03.2024. The petitioners have surrendered their passports before this court on 03.12.2022 and they cannot not exit India without the prior permission of this court, in compliance with the order in Crl.M.P. No. 58/2022 & 68/2024.

3. 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. Thereafter accused Nos. 8, 10, 14 to 16 approached the Hon'ble High Court for modification of bail condition and the court allowed the same. As per order in Crl.M.P. 28/2024 the court modified the bail conditions (c) & (d) by deleting the condition of surrendering their passports before this court and if already surrendered, it was directed to be released to the petitioners on their depositing a sum of Rs.1,00,000/- as security deposit. These conditions were again substituted by the Hon'ble High Court of Kerala in Crl.M.C. No.2778/2024 dated 12.04.2024. The Hon'ble High Court set aside conditions and substituted them as follows: (c) "Petitioners shall inform the court before leaving India. Petitioners shall also deposit an amount of Rs.one lakh and if they violate any of the conditions of bail, the amount will be forfeited.", (d) "Petitioners shall file an affidavit before the

jurisdictional court to the effect that they will be represented throughout by a lawyer and that they will not dispute their identity, if the trial proceeds in their absence.”

4. It is submitted that the petitioners have fully co-operated with the investigation and appeared before the investigating agency as and when required since 2014. The petitioner have deep roots in society and close family relationships in India so there is no chance of absconding. Hence the petitioners seek modification of bail conditions by deleting the condition (c) & (d) in the bail orders of this court.

5. 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.

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

7. It is submitted that in its order dated 12-04-2024 in Crl.M.C. No.2778/2024 of Hon'ble High Court of Kerala has modifying the bail conditions imposed by this court while granting bail to such persons. The passport of such accused are already directed to be returned to them and they need not seek the permission of the court before leaving the country. The Hon'ble High Court has permitted them to leave the country under intimation to the court. It is submitted that the petitioners are also entitled to equal treatment. 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.

8. 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.

9. The petitioners are relying on the order of Hon'ble High Court by which the bail conditions were modified. 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.

10. 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 sum of Rs.1,00,000/- each as security deposit.
2. The petitioners shall inform the Court before leaving the Country and they shall be represented by a lawyer on all hearing dates.
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 18<sup>th</sup> day of May, 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.