

**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

Wednesday the 16th day of October, 2024 /24th Aswina, 1946

Crl.M.P. No.227/2024

in

SC No.533/2018

Petitioner/Accused No. 13 : V. selvaraj, aged 76 years, S/o. G. Venugopal (late), Srivari Saket, No. 8, NKPM Layout, Red Fields, Coimbatore - 641 018.

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 16.10.2024 and the Court on the same day passed the following:-

ORDER

This application for deletion of bail conditions is filed by the 13th accused.

2. The petitioner is arrayed as 13th accused in the case. The case against him was taken on file on the basis of the supplementary compliant filed before this court. After receiving the summons, the petitioner along with 16 other accused appeared before the court and they were granted bail by this court as per the order dated 03.12.2022 in Crl.M.P 58/2022 on condition. The condition (c) and (d) reads as follows; (c) *"The above accused shall not exit India without permission of this court."* (d) *"The above accused both individual and representatives of the companies, shall surrender their passport before this court within 10 days. If they are not holding passport, or else surrender before any other court, stating these facts, they shall file an affidavit before this court."*

3. It is submitted that the petitioner previously surrendered his passport to the Chief Judicial Magistrate's Court, Ernakulam, in C.C. No. 218 of 2015. Therefore the petitioner filed an affidavit before this Court on 03.12.2022, stating that he had already surrendered the passport before the Chief Judicial Magistrate, Ernakulam in C.C. No. 218 of 2015. Later, C.C. No. 218 of 2015 was transferred to this Court and it was renumbered as S.C. (PMLA) No. 3/2023.

4. In S.C.(PMLA) No. 3/2023 the petitioner is arraigned as 7th accused. As per the order dated 22.07.2024 in Crl.M.P. No.197/2024 the court permitted the petitioner to retain his passport until further orders and further

directed to deposit an amount of Rs.1 lakh and execute a bond for the like amount undertaking to produce the passport as and when directed by the court. However, the petitioner has not yet released his passport due to a direction in S.C. (PMLA) No. 533/2018 to surrender his passport.

5. In S.C. (PMLA) No. 533/2018, individual accused Nos. 8, 10, 14-16, and representatives of accused Nos. 9, 31-34, 39, 40, 44-46, 51, and 52, who were granted bail under orders in Crl.M.P. Nos. 35/2022, 58/2022, and 68/2024, have had their passports released after initially surrendering them in October and December 2022. The petitioner has strictly complied with all bail conditions imposed in Crl.M.P. No. 58/2022 in S.C. No. 533/2018. Additionally, the passports of all other accused have been released. Therefore, the petitioner filed this petition to delete conditions (c) and (d) in the order in Crl.M.P. No. 58/2022 dated 03.12.2022.

6. The complainant filed a detailed objection opposing the petition. It is contended that the petitioner is relying on the High Court order which was passed in a different contest. The petitioner has no restriction to approach this court for obtaining permission to travel abroad, if situation arises. As the petitioner resides in Coimbatore, outside this Court's jurisdiction, he may leave the country without notice and will not be any chance to monitor his travel plan. If the bail conditions are deleted, the petitioner may not appear before the court and he may leave the country. The presence of the accused in India is

necessary for the further investigation of the case.

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

8. It is submitted that as per the orders in Crl.M.C. No.9282/2023 and Crl.M.C No.2778/2024 filed by the co-accused, the Hon'ble High Court of Kerala was pleased to modify the bail conditions. The petitioner has 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.

9. 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. They can leave country at any time without any hindrance because of which will have adverse implications on the further proceeding and trial.

10. It is submitted that the judgment cited by the petitioner in Crl.M.C. No.2778/2024 dated 12-04-2024 of Hon'ble High Court of Kerala has modified the bail conditions imposed by this court while granting bail to those accused. 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. The petitioner is also entitled to equal treatment.

11. As submitted by the Special Public Prosecutor, the allegations against the petitioner are serious in nature. The petitioner was released on bail on strict condition. The prosecution has no case that the petitioners tried to evade the process of the court at any point of time. There is no much force in the apprehension that the petitioner 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 petitioner to ensure his 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.

12. 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 petitioner shall surrender his passport before this Court is deleted and the passport, if already surrendered, will be released to the petitioner on depositing a sum of Rs.1,00,000/- as security deposit.
2. The petitioner shall inform the Court before leaving the Country and he shall be represented by a lawyer on all hearing dates.

3. All other conditions in the previous order shall stand unaltered.
4. If the petitioner 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 16th day of October, 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.