

**IN THE SPECIAL COURT FOR PMLA CASES /
SPECIAL COURT (SPE/CBI)-II / NIA CASES, ERNAKULAM**

Present :- Shri. Shibu Thomas, Judge for PMLA Cases (In charge)

Saturday, the 20th day of January, 2024 / 30th Pousha, 1945

Crl.M.P Nos. 03/2024, 04/2024 & 05/2024

in

S.C No. 01/2023/PMLA

Crl.M.P No. 03/2024

Petitioners / Accused No. 13 & 20:

- 1) Karthik Raja, S/o. Krishnan,
House No. 13B, Senthamizh,
Nagar Annex, 2nd Street, Ramapuram,
Chennai – 600089.

- 2) C.Lakshmipathi, S/o. D. Chandran,
No.2, Meetu Street, Karayi Manager,
Kundrathur, Chennai – 600069.

By Adv.Ajeesh.M.Ummer

Respondent / Complainant :-

Assistant Director, Directorate of Enforcement,
Kochi Zonal Office,
Kanoos Castle, A.K. Sheshadri Road,
Cochin 682011.

By Sri. M.J.Santhosh, Special Public Prosecutor, E.D

Crl.M.P No. 04/2024**Petitioners / Accused No. 17 :**

Nona Pirosha @ Jasmine
W/o Ramesh A., No. 319/37, Madampitiya Road,
Colombo – 14 Srilanka Now residing at House No. 312 A,
(Avra 14)Thekkanath House, P.O. Athani,
Aluva, Ernakulam, 683585.

By Adv. Ajeesh.M.Ummer

Respondent / Complainant :-

Directorate of Enforcement,
Assistant Director, Kochi Zonal Office,
Kanoos Castle, A.K. Sheshadri Road,
Cochin 682011.

By Sri. M.J.Santhosh, Special Public Prosecutor, E.D

Crl.M.P No.05/2024**Petitioners / Accused No. 5:-**

Soundarrajan @ Soundar,
S/o. Jayapalan K., No. 72, Agni FairyLand,
Vengaram, Maduravayil, Chennai.

By Adv. Ajeesh.M.Ummer

Respondent / Complainant :-

Assistant Director, Directorate of Enforcement,
Kochi Zonal Office,
Kanoos Castle, A.K. Sheshadri Road,
Cochin 682011.

By Sri. M.J.Santhosh, Special Public Prosecutor, E.D

This petition having been heard on 20/01/2024 and the court on the same day passed the following :-

COMMON ORDER

These are bail applications filed by A5, A13, A17 and A20.

2) The prosecution case is that petitioners along with other accused committed offences defined u/s 3 punishable u/s 4 of PMLA.

3) The case of the petitioners is that they are totally innocent of the offences alleged against them. They are prepared to execute bond with sufficient sureties and they are ready to abide any condition imposed by this Court. During argument, the learned counsel for the petitioners submitted that these petitioners were not arrested during investigation; they were available during investigation and have extended full co-operation with the investigation; there is no possibility of tampering of evidence or influencing witnesses or fleeing from justice. It is further submitted that in compliance of the summons issued by this Court, they appeared and they are ready to furnish sufficient sureties to release them on bail. They are ready to co-operate with the further investigation if any and also to appear in this Court as and when directed. For these grounds, the petitioners prayed to release them on bail.

4) Though the Special Prosecutor did not file any objection during the hearing would oppose the said applications by contending that they are not entitled to be released on bail in view of the twin conditions provided u/s. 45 of PMLA. It is further submitted that since there are serious allegations against the petitioners and the matter is pending for trial, they cannot be released on bail and prayed to dismiss the petitions at this stage.

5) Heard both sides.

6) I have gone through the records. There are indeed serious allegations against the petitioners. The matter is pending for trial. The petitioners were not arrested during the investigation of PMLA case. The complainant does not have a case against them, that the petitioners neither participated in nor co-operated with the investigation. The investigating officer even after filing the complaint, did not apply for the custody of the petitioners. The statement of the petitioners u/s. 50 of PML Act were recorded at several times. The learned counsel for the petitioners submitted that as such the petitioners are not required to pass the test of Sec. 45 of PML Act at this stage and it is only applicable in a case where the petitioners filed a petition either u/s. 439 of the Code after arrest during investigation or u/s.438 of Code apprehending their arrest during investigation. It is an admitted case of the complainant that the applicants were not arrested during

investigation. These applications are made while the petitioners appeared before Court on summons.

7) In Rana Kapoor's case, the Hon'ble High Court of Delhi considered similar facts, Sec. 170 of Cr.P.C and sec. 45 of PML Act as well as the judgment of the Hon'ble Supreme Court in Satinder Kumar Antil's case and granted bail to the petitioners of that case. It is pertinent to note in the case on hand that no attempt was made by the complainant to arrest the petitioners during the investigation stage and no petition is filed in this Court seeking custody of any of them. Bearing in mind the principles laid down in Satinder Kumar Antil's case and Rana Kapoor's case, I am of the view that the restrictions in Sec. 45 of PML Act is not a ground to reject the bail applications filed by the petitioners at this stage. The apprehension of the prosecution can be alleviated by imposing conditions for which petitioners are willing, ready and amenable. Therefore, the petitions are allowed and petitioners are released on bail with following conditions:-

1. Petitioners shall execute bond for Rs.1,00,000/- (Rupees One lakh only) each with two solvent sureties each for the like amount.
2. Petitioners shall not leave the State without prior permission of the Court.

3. They shall produce their original passports within two weeks. If they are not in possession of passports, file an affidavit to that effect.
4. They shall not influence, intimidate any of the witnesses and shall not interfere with the trial of this case.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 20th day of January, 2024.

Sd/-

Shibu Thomas
Addl. Special Judge (SPE/CBI)-III
Judge for PMLA Cases (In charge)

APPENDIX:-NIL

Id/-

Addl. Special Judge (SPE/CBI)-III
Judge for PMLA Cases (In charge)

// True Copy //

(By Order)

Sheristadar

Typed by : jcs
Comp.by : skp

Common Order
in
Crl.M.P Nos. 03/2024,
04/2024 & 05/2024
in
S.C No. 01/2023/PMLA
Dated 20/01/2024