

**IN THE COURT OF THE ADDITIONAL SPECIAL SESSIONS JUDGE,
(SPE/CBI)-III, ERNAKULAM**

Present :-

SRI. SABARINATHAN. P, SPECIAL JUDGE.

Saturday the 21st day of December, 2024/30th Agrahayana, 1946.

Crl. M.P No.774/2024

in

C.C. No.4/2017

Petitioner/Accused No.4: Thomas Mathew, aged 46 years,
S/o.Puthenveedu Joseph Mathew,
Residing at Flat No. 405, 4th Floor,
Kings Apartments, Juhu Tara Road,
Juhu, Mumbai-400049.

Represented By : Advs. M.A. Mohammed Siraj, Rizlana Nazar,
Cyriac Tom and Naveen.A.Varkey.

Respondent/Complainant: Central Bureau of Investigation,
represented by its Senior Prosecutor,
CBI-III Court, Ernakulam.

Represented by : M. Navas, Senior Public Prosecutor.

This petition coming on for hearing on 21.12.2024 in the presence of Counsels on both sides having stood over for consideration on the same day the Court passed the following:

ORDER

Application filed by the 4th accused seeking permission to go abroad and for return of passport.

2. According to the petitioner, he is charged by the CBI for the offence punishable u/ss. 13(2) r/w. 13(1)(d) of PC Act, 120-B and 420 IPC and 24 of the

Emigration Act. He was granted bail by this Court and as per the condition in the bail order, the petitioner has surrendered his passport. The validity of the passport of the petitioner has been renewed after getting permission of this Court. Now the petitioner intends to travel Kuala Lumpur, Malaysia for a period from 27.12.2024 to 07.01.2025. Hence he prays permission of this Court to travel abroad for the said period and for return of the passport for that purpose.

3. Notice in this application has been given to the CBI, through the Senior Public Prosecutor and objection has been filed on their behalf.

4. Both sides were heard and perused the available records.

5. Now the point that arises for consideration is as follows :-

Whether there is sufficient ground to allow the petitioner to go abroad and for return of the passport ?

6. **The Point:-** The learned counsel for the petitioner submitted that permitting the petitioner to go abroad is very essential and the same will not affect the interest of the prosecution. Hence he prays to allow the application. The learned Prosecutor has opposed the application.

7. I have considered the submissions made by either side and I am satisfied that the petitioner can be permitted to go abroad, i.e. Kuala Lumpur, Malaysia for a period from 27.12.2024 to 07.01.2025 and the passport of the

petitioner can be released in his favour for the said purpose. Point answered accordingly.

In the result, petition is allowed and the petitioner is permitted to go Kuala Lumpur, Malaysia for a period from 27.12.2024 to 07.01.2025 and the passport of the petitioner is ordered to be released in his favour for the said purpose on following conditions:-

- a) Petitioner shall execute a bond for ₹1,00,000/- (Rupees One Lakh only) with two solvent sureties;
- b) The petitioner is permitted to obtain and retain his passport for the purpose of travel to Kuala Lumpur, Malaysia for a period from 27.12.2024 to 07.01.2025;
- c) He shall surrender his passport on or before 13.01.2025.

Dictated to the Confidential Assistant, transcribed and prepared by her in computer, corrected by me and pronounced in open Court on this the 21st day of December, 2024.

Sd/-
Sabarinathan. P
Special Judge, (SPE/CBI) – III
Ernakulam

Appendix: Nil.

Sd/-
Special Judge, (SPE/CBI) – III

Order in CrI, M.P 774/24
in CC No. 04/2017
Dated 21.12.2024