

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

Present :-

SRI. SHIBU THOMAS, SPECIAL JUDGE.

Saturday, the 02nd day of March, 2024/12th Phalguna, 1945.

Crl. M.P. No. 212/2024

in

C C No. 2/2023

Petitioners/Accused Nos. 2 & 3 :

1. K.M. Nazeer, aged 64 years,
S/o.Late Shri.K.B.Mohammed,
Kunnappalli House, Vennala.P.O,
Cochin-682028.
2. Smt. Shabna Nazeer, aged 57 years,
W/o. K.M. Nazeer, Kunnappalli House,
Vennala.P.O, Cochin-682028.

Represented by:

Advs. M.A. Muhammed Siraj,
Harikumar. S, Cyriac Tom, Rizlana Nazer
& Nandakumar.

Respondent/Complainant:-

Central Bureau of Investigation,
represented by its prosecutor,
CBI-III Court, Ernakulam.

Represented by:

Adv.M. Navas, Public Prosecutor.

This petition coming on for hearing on 01st day of March, 2024 in the presence of Counsels on both sides having stood over for consideration till day the Court delivered the following:-

ORDER

Petition to delete/modify bail condition No. 4.

2. Petitioners are the accused Nos. 2 and 3 in the above case charge sheeted u/s.120 B r/w. 420 and 409 IPC and 13(2) r/w. 13(1)(c)(d) of PC Act.

3. Petitioners submitted that they are absolutely innocent of the entire allegations levelled against them. They filed an application for bail and it was allowed with conditions including a condition that they shall not leave the limit of State of Kerala without permission from this Court as condition No. 4.

4. It is submitted that the petitioners has only one daughter and she is settled in Bangalore with her husband and two children aged 9 and 4 respectively. Petitioners were used to visit their daughter frequently. Their son-in-law is an IT Engineer and is frequently travelling for his employment. Their daughter has no relative in Bangalore, therefore depending solely on the petitioners for additional support. They further submitted that first petitioner/A2 is the Director of Essense Consultants Kochi Pvt. Ltd. Which is engaged in various business activities. As Director of the company first petitioner requires frequent travel to outside the State of Kerala to meet his clients and to have discussions with them with regard to various projects.

Petitioners are law abiding citizens and they are most respectfully maintains that they are absolutely innocent of entire accusations levelled against them in the above case.

5. The learned Public Prosecutor filed objection contending that petitioners are facing serious indictment and the Court has imposed such a condition to ensure their presence before Court as and when required for the trial of the case. Moreover, condition No. 4 is a reasonable condition and the petitioners are no way adversely affected with said condition. Therefore, prayed to dismiss the petition.

6. Heard both sides.

7. First petitioner submitted that for the purpose of his employment, he requires frequent travel to outside the State. Moreover, their sole daughter resides in Bangalore along with her two children, aged 9 and 4. Her husband, an engineer, frequently travels for work. The daughter lacks other relatives in Bangalore, hence the petitioners play a crucial role in supporting her. They are regular visitors to their daughter's home. Consequently, the condition stipulated in the order poses significant hardship for both the petitioners. The learned Prosecutor though filed objection, but not seriously opposed modifying the condition No.4 as that the petitioners shall not leave India without

permission of Court. Therefore, petition allowed. Condition No.4 is modified as follows:-

1. The petitioners shall not leave India without the permission of Court.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 2nd day of March, 2024.

Sd/-
Shibu Thomas
Special Judge, (SPE/CBI) – III
Ernakulam

APPENDIX :- Nil.

Id/-
Special Judge, (SPE/CBI)-III.

Typed by:-
Compd by:-