

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

Present :-

SRI.SHIBU THOMAS, SPECIAL JUDGE.

Monday the 19th day of February, 2024/ 30th Magha, 1945.

Crl. M.P. No. 196/2024

in

S.C.3/2023

Petitioner /Accused No. 5 : Shri Praful Jain, aged 38/2024,
S/o.Subodh Jain, Flat No.5053,
Tower No.5, Prestige Neptune
Courtyard, Marine Drive, Cochin.

Represented By : Advs. Deepu Thankan, Ummul Fida,
Lakshmi Sreedhar, Lakshmi.P.Nair
and Namitha.K.N.

Respondent/Complainant: Director of Enforcement, Government
of India, represented by its Assistant
Director, Cochin Zonal Office, Kanoos
Castle, A.K. Sheshadri Road
(Mullassery Canal Road West), Cochin
– 682001.

Represented By : Adv. M. J. Santhosh,
Special Public Prosecutor.

This petition coming on for hearing on 16th day of February, 2024 in the presence of Counsel on both sides and having stood over for consideration till day the Court passed the following:

ORDER

Petition filed by the petitioner seeking the return of his passport and travel abroad for the purpose of business.

2. Petitioner is the accused No.5 in this case. He has filed this petition seeking the return of his passport to enable him to travel abroad to visit Europe for the purpose of his business. The case is registered u/s.3 punishable under Section 4 of Prevention of Money Laundering Act, (PMLA) 2002 against the petitioner. The petitioner surrendered his passport in compliance of bail condition. For processing of the Visas, tickets his passport is required. Hence, it is just and necessary to return his passport till first week of August 2024. He is ready to abide by any condition that may be imposed on him by this court.

3. The respondent filed an objection and contended that conditions imposed by this Court while granting bail were to ensure the attendance of accused before the Court. If the prayer for modifying the condition of surrendering the passport is allowed, there is every chance of the accused absconding, which will adversely affect the trial of the case. The petitioner has not made any request for permission to go any specific place for any specific reason. The reason in the petition is very vague. Even though Article 21 of Constitution of India ensures freedom, since he is an accused in the present case, his right of movement can be restricted in accordance with a procedure

established by law. This Court, after considering the gravity of the offence and role of the accused, has imposed the reasonable conditions at the time of granting bail to ensure the presence of accused before Court. Petitioner is a flight risk. Hence prayed to dismiss the petition.

4. Heard both sides.

5. The point for determination is, whether there is sufficient ground to allow the petition?

6. **The point:-** The petitioner seeking return of his passport for enabling him to travel abroad. He intended to visit Europe for the purpose of his business. For processing of the Visas, tickets passport is required. Learned Prosecutor objected the petition, but during argument fairly conceded that he has no serious objection for releasing the passport for a particular period for the above said purpose. However, argued that, even if the petition was allowed, he should not be allowed to go abroad without further permission from this court. So far, he had not provided specific details of the place he intended to visit. Therefore, he should not be allowed to leave the country without showing the specific country and places he intended to visit, details of the stay abroad and his contact details.

7. Taking into consideration the contentions raised by both parties, the delay in commencing the trial and recognizing the humanitarian aspect of

petitioner's request, I am of the view that there is nothing wrong in releasing the passport for a period of three months for the purpose sought for in the petition with conditions.

In the result, petition allowed subject to following conditions:-

1. Petitioner shall execute a bond for Rs. 1,00,000/- (Rupees One Lakh only) with two solvent sureties.
2. The petitioner is permitted to obtain and retain his passport for a period of three months from 19.02.2024.
3. He shall surrender his passport on or before 19.05.2024.
4. Petitioner shall not leave the State without permission of this Court.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 19th day of February, 2024.

Sd/-

Shibu Thomas

Special Judge, (SPE/CBI) – III

Ernakulam

Appendix: Nil.

Sd/-

Special Judge, (SPE/CBI) – III

Typed by:-
Compd by:-