

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

Present :-

SRI.SHIBU THOMAS, SPECIAL JUDGE.

Wednesday the 3rd day of April, 2024/14th Vaisakha, 1946.

Crl. M.P. No. 248/2024

in

S.C.3/2023

Petitioner /Accused No.6 : Shri Pushkar Bhasin, aged 37/2022,
S/o.Bharat Basin, Flat No.7044, Tower No.7,
Prestige Apartments, Marine Drive, Cochin.

Represented By : Advs. Lakshmi Sreedhar, Ummul Fida,
Lakshmi P.Nair, Namitha K.M,
Harsh K Sharma.

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 27th day of March, 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.

2. Petitioner is the accused No.6. He also represents accused No.7 in this case. He has filed this petition seeking the return of his passport to enable him to travel abroad to visit South Korea on 13.05.2024 with his family. The petitioner and his family intended to apply for a South Korean Visa to travel to South Korea and for a short stay. 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 visa, his passport is required. The application procedure for South Korean visa is time consuming. The application must be submitted at least 30 days before the intended dates of travel. Subsequently, the passport of the applicant will have to be submitted at the Consulate for processing the Visa. Hence, it is just and necessary to return his passport. 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. 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 travel abroad to visit South Korea on 13.05.2024 with his family and decided to return on 21.05.2024. The petitioner and his family intended to apply for South Korean Visa. For processing of the Visas, tickets and 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 is allowed, he should not be allowed to go abroad without further permission from this Court in the absence of details of travel itinerary and details of stay abroad.

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 from today till 30.05.2024 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 from today till 30.05.2024 and he is also allowed to travel to South Korea from 13.05.2024 to 21.05.2024.
3. He shall surrender his passport on or before 30.05.2024.
4. Petitioner shall not leave the country without providing travel itinerary, details of visa, details of stay abroad and a live contact number to the investigating officer.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 3rd day of April, 2024.

Sd/-

Shibu Thomas

Special Judge, (SPE/CBI) – III

Ernakulam

Appendix: Nil.

Id/-

Special Judge, (SPE/CBI) – III

Typed by:-
Compd by:-