

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

Present :-

SRI.SHIBU THOMAS, SPECIAL JUDGE.

Wednesday the 20th day of March, 2024/10th Chaithra, 1946.

Crl. M.P. Nos. 242/2024 and 243/2024

in

SC PMLA No. 4/2023

Crl. M.P.242/24

Petitioner/Accused No.21 : Abdul Gafoor, aged 55 years,
S/o.Mohamedunny, Vaishyam Veetil,
Mambrambath, Guruvayoor. P.O,
Thrissur-680101.

Represented By : Advs.Iean.C.Chamakkala, Muhammed
Rauf and Paul Kuriakose.

Respondent/Complainant : Assistant Director, Directorate of
Enforcement, Government of India,
Cochin Zonal Office, Kanoos Castle,
A.K. Seshadri Road, (Mullassery
Canal Road West, Cochin -682011.

Represented By : M.J. Santhosh, Public Prosecutor

Crl. M.P.243/24

Petitioner/Accused No.21 : Abdul Gafoor, aged 55 years,
S/o.Mohamedunny, Vaishyam Veetil,
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Represented By : M.J. Santhosh, Public Prosecutor

These petitions coming on for hearing on 19th day of March, 2024 in the presence of Counsels on both sides having stood over for consideration till day the Court passed the following:-

COMMON ORDER

These petitions are filed by 21st accused for releasing his passport and also seeking permission to go abroad.

2. The case of the prosecution is that petitioner is the 21st accused in the above said case registered u/s. 3 r/w. 4 of PMLA. He was granted bail by this Court on 12.01.2024 and in compliance of the condition in the bail order, he surrendered his passport. Furthermore, the petitioner was working in Dubai for several years and later returned to India and started business, however it collapsed due to wide spread of Covid-19 and the nationwide lock down. Thereafter, with intent to start a new business of importing processed metal at Dubai and Travel and Tourism Consultancy at Soudi Arabia, petitioner visited this place twice in the year, 2023. Now, the petitioner intends to visit UAE for a maximum period of three week to put up

a new office for the purpose of his business and also to execute an agreement with partners. Petitioner will return to India on or before 08.04.2024. Hence these petitions.

3. Respondent filed objection. The learned Public Prosecutor during argument submitted that the allegation against the petitioner is very serious. However, with respect to these petitions, he did not raise any objection except the objection that the details and period of stay abroad is not mentioned in the petition and the petitioner shall not be allowed to go abroad without specifying the period of stay abroad.

4. Heard both sides.

5. The point for consideration is, whether there is sufficient ground to release passport and allowing the petitioner to go abroad?

6. **The Point**:- The learned counsel for the petitioner submitted that he has not committed any offence. The allegation against the petitioner is false. The case is posted for appearance of remaining accused. Investigation of the predicate offences in this case is not completed so far. Therefore, naturally there will be delay for commencing the trial in the very near future. The learned counsel for the petitioner submitted that the petitioner wants to go abroad for the purpose of his business, to execute an agreement with partners and also to set up a new office at UAE. Such a fact is not seriously

challenged by the learned Prosecutor. During argument the learned Prosecutor objected the petition mainly for the reason that the details and the period of stay abroad is not mentioned in the petition. The learned counsel for the petitioner submitted that he is preparing to go to UAE on 20.03.2024 and he will return on or before 08.04.2024. His stay is arranged at Al Himah Group, Nuqtat A1 Hikmah Management Consultancy, A1 Arouba Street, Sharjah, UAE. In this case, investigation of predicate offence is not completed. In such a circumstance, it can be reasonably assumed that, there will be delay of commencing the trial in the near future. Furthermore, violation of any of the conditions in the bail order is reported so far. Considering the purpose of his travel abroad, I am of the opinion that petitions can be allowed.

In the result, petitions are allowed. Petitioner's passport is released till 08.04.2024 and petitioner is allowed to go abroad with following conditions:-

1. Petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum.
2. Petitioner shall appear before this Court as and when required by this Court.
3. Petitioner shall file an affidavit stating that he will not visit any country other than UAE and he shall also furnish his contact address, e-mail address and telephone number in abroad in the affidavit.

4. Petitioner is directed to appear in person and surrender his original passport on or before 08.04.2024.

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

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

Appendix: Nil.

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

Typed by:-
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