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

Present :-

SRI.SHIBU THOMAS, SPECIAL JUDGE.

Thursday the 04th day of April, 2024/ 15th Vaisakha, 1946.

Crl. M.P. No. 246/2024

in

SC PMLA 04/2023

Petitioner/Accused No.19 :		Sunilkumar K.D, S/o.Danan, Karuvangattil House, Manaloor, Thrissur Taluk, Thrissur District- 680617.
Represented By	:	Advs. Rajith, V.V.Joy, Arjun.S and Ajay Bhaskar.
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	:	*Adv.M.J. Santhosh* Spl. Public Prosecutor, Directorate of Enforcement.

This petition coming on for hearing on 3rd day of April, 2024 in the presence of Counsels on both sides having stood over for consideration till day the Court passed the following:-

<u>ORDER</u>

Petition to delete/modify bail condition No. 2 and 3.

2.   Petitioner is the 19th accused in the above case, committed offences defined u/s 3 punishable u/s 4 of PMLA.

3.   Petitioner submitted that he is absolutely innocent of the entire allegations levelled against him.   He filed an application for bail and it was allowed with conditions including conditions that he shall not leave the State without prior permission from this Court and he shall produce the original passport within two weeks and if he is not in possession of a passport, file an affidavit to that effect.

4.   It is submitted that petitioner has been running a business in Dubai for more than 30 years and for the purpose of business and continuing his livelihood, the petitioner is now required to travel to UAE on an immediate basis and he will return within six months or as and when directed by Court.   Hence the petition to modify 2 and 3 of bail condition.

5.   The learned Public Prosecutor filed objection contending that petitioner is facing serious indictment and the Court has imposed such conditions to ensure his presence before Court as and when required for the trial of the case.   Moreover, condition No.2 and 3 are reasonable

conditions and the petitioner is no way adversely affected with said condition. Therefore, prayed to dismiss the petition.

6. Heard both sides.

7. Petitioner submitted that he has been running business in Dubai for more than thirty years, he requires frequent travel to outside the State. The petitioner has produced copy of visa and copy of rent agreement in UAE. The objection of the learned Special Prosecutor is centered around ensuring his presence before Court for the purpose of trial and to prevent the possible risk of misuse of liberty. The apprehension of Prosecutor can be set right by imposing conditions. Acknowledging the early stage of the case, potential delay in the trial, considering the petitioner's compelling reasons and also in the interest of ensuring fairness, operation of condition No.2 and 3 are suspended for a limited period till 04.10.2024 and permission is granted to release his passport and to travel to UAE for a limited period from 04.04.2024 to 04.10.2024. The petitioner is directed to return to India within the stipulated time frame.

In the result, petition is allowed in part with following conditions:-

1. Petitioner shall appear before this Court as and when required by this Court.

2. Petitioner shall file an affidavit stating that he will not visit any country other than UAE.

 3. After returning to India from UAE, the information should be communicated to the investigating officer on the same day.

4. The petitioner shall appear before Court with his original passport on or before 04.10.2024.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 4th 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:-