

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

Present :-

SRI.SHIBU THOMAS, SPECIAL JUDGE.

Monday the 13th day of May, 2024/ 23rd Vaisakha, 1946.

Crl. M.P. No. 322/2024

in

SC PMLA 04/2023

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

Represented By : Advs. Ieans C Chamakkala, Paul
Kuriakose and K.V. Mohammed Rauf.

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 9th day of May, 2024 in the presence of Counsels on both sides having stood over for consideration till day the Court passed the following:-

ORDER

Petition 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 today. 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. The petitioner has started a new business venture at UAE and Saudi Arabia and he wants to go for these countries. Hence the petition.

3. Respondent filed objection. The learned Public Prosecutor during argument submitted that the allegation against the petitioner is very serious and petitioner shall not be allowed to go abroad for a period of one year at a stretch.

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. 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. During argument the learned Prosecutor objected the petition mainly for the reason that the details of stay abroad is not mentioned in the petition. In this case, investigation of predicate offence is not completed. Petitioner has produced copy of visa issued by the Kingdom of Saudi Arabia. Apart from this document, no other document produced by the petitioner to establish his claim to go abroad for a period of one year. Therefore, the petition is allowed in part.

In the result, petition is allowed in part. Petitioner's passport is released from today till 13.07.2024 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 Saudi Arabia 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 13.07.2024.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 13th day of May, 2024.

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

Appendix: Nil.

Id/-
Special Judge, (SPE/CBI) – III

Typed by:-

Compd. by:-