

**IN THE COURT OF THE ADDITIONAL SPECIAL SESSIONS JUDGE,  
(SPE/CBI)-III, ERNAKULAM  
(Special Court for trial of the offence under the PML Act, 2002)**

Present :-

**SRI.SABARINATHAN.P, SPECIAL JUDGE.**

Friday the 20<sup>th</sup> day of September, 2024/29<sup>th</sup> Bhadra, 1946.

**Crl. M.P. No. 574/2024**

in

**SC PMLA 04/2023**

- Petitioner/Accused No. 9** : Shri. Kiran P.P., aged 33 years,  
S/o Prakashan, Pallath House,  
Perinjanam P.O., Kodungalloor,  
Thrissur – 680686.
- Represented By** : Adv. Isac Sanjay.
- 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** : Sri.M.J. Santhosh  
Spl. Public Prosecutor,  
Directorate of Enforcement.

This petition coming on for hearing on 18<sup>th</sup> day of September, 2024 in the presence of Counsels on both sides and having stood over for consideration till day the Court passed the following:-

**ORDER**

Application for interim bail filed by 9<sup>th</sup> accused in the above case.

2. The petitioner is alleged with offence punishable u/s. 4 r/w. S.3 of PML Act, 2002. Regular bail application filed by the petitioner is pending before this Court as CrI. MP.16/2024. According to the petitioner, he is suffering from serious medical illness i.e. disc prolapse/bulge as evident from the MRI scan report. The petitioner is in judicial custody for the last one year. The petitioner was treated at the Medical College Hospital, Kalamassery and also at the Government Medical College Hospital, Kottayam and the doctor suggested neurosurgery consultation. Moreover, the petitioner's wife, Mrs.Anuskha Menon is under treatment for infertility at the Aster Medicity Hospital and CIMAR Women's Hospital, Ernakulam. So the presence of the petitioner is very essential along with his wife. For the above reason, the petitioner prays to grant interim bail for a period of ninety days.

3. Notice in this application has been given to the learned Special Public Prosecutor in charge of this case. The Assistant Director, Directorate of Enforcement, Government of India, Kochi has filed

counter opposing the application contending that the petitioner is involved in money laundering, he has availed illegal loan from Karuvannur Service Co-operative Bank Ltd, for an amount of ₹ 24.56 crores and out of the said amount, ₹ 14 crores has been paid to one Satheeshkumar, A14 herein and the bail application filed by A14 was dismissed by the Hon'ble High Court of Kerala on 30.08.2024, as per order in Bail Application No.11142/2023. The involvement of the petitioner in the alleged crime is prima-facie indicated, the alleged illness of the petitioner is not a life threatening illness requiring specialized treatment and necessary treatments are being given by the Jail Authorities. The words 'sick' and 'infirm' mentioned in the proviso to Sec. 45 of the PML Act has been explained by the Hon'ble Delhi High Court in **Kewal Krishan Kumar Vs. Enforcement Directorate (2023 KHC Online 12054)** and as per the same, the infirmity and sickness suffered by the accused should be of serious and life endangering nature that cannot be treated in jail or the specialized treatment as required cannot be provided from jail hospitals. Hence he prays to dismiss the application.

4. A report from the District Jail, Kakkanad, where the petitioner is detained, is also called for with regard to the ailment of the petitioner. It is reported by the Medical Officer in-charge of the said jail that the petitioner is diagnosed with multiple diseases viz. cervical radiculopathy, myofascial pain, varicose vein - right lower limb, diabetes mellitus, hyper tension, dyslipidemia, obesity, hyper uricemia and fatty liver. He was treated at the Government Medical College, Ernakulam and also at the Government Medical College, Kottayam. His neck pain is radiating to both upper limbs and he is presently having persistent right lower limb pain due to varicose vein and neck pain radiating to both upper limb which restricts his sleep and daily activities.

5. Both sides were heard and perused the records.

6. Now the point that arises for consideration is as follows:-

Whether the petitioner is entitled for interim bail, if so, on what conditions ?

7. **The Point:-** The learned Counsel appearing for the petitioner has vehemently argued that, as the petitioner is suffering serious illness, he may be granted interim bail on medical grounds. The learned counsel has placed reliance on the decisions of the Hon'ble High Court

of Delhi in **P. Sarath Chandra Reddy Vs. Directorate of Enforcement (2023 DHC 3115)**, **Sameer Mahandru Vs. Directorate of Enforcement (2023 DHC 4155)**, the decision of the Hon'ble High Court of Kerala in Bail Application No. 3610/2024 (**K.K.Abraham Vs. Assistant Director, Directorate of Enforcement and Another**) and also that of the Hon'ble Apex Court in **Vijay Nair Vs Directorate of Enforcement (2024 KHC OnLine 8353)** and argued that the petitioner is entitled for interim bail on medical grounds. The learned Special Public Prosecutor on the other hand has placed reliance on the decision of the Hon'ble Apex Court in **State of U.P. Vs. Gayatri Prasad Prajapati (2020 KHC 6596)**, the decision of the Hon'ble Delhi High Court in **Kewal Krishan Kumar Vs. Enforcement Directorate (2023 KHC Online 12054)** and the decision of the Hon'ble High Court of Kerala in Bail Application No.11142/2023 dated 30.08.2024. According to the learned Special Prosecutor the alleged illness of the petitioner is not a life threatening disease and necessary treatments are being given by the Jail Authorities. He further argued that the treatment of the petitioner's wife for infertility is not at all a sufficient ground to grant bail to the petitioner.

8. I have considered the submissions made by either side and perused the records. It is reported by the Jail Authorities that necessary treatments are being given to the petitioner. It appears to me that the infirmities suffered by the petitioner are not life threatening disease, which requires treatment other than by the Jail Authorities. As stated earlier, necessary treatments are being rendered from the jail, by sending the petitioner to the Government Medical College Hospitals, Ernakulam and Kottayam. The involvement of the petitioner in the alleged crime is prima-facie indicated, the role of the petitioner herein was also considered by the Hon'ble High Court of Kerala while dismissing the bail application of the accused No. 14, as per order in Bail Application No. 11142/2023 dated 30.08.2024.

9. Having regard to the facts and circumstances of the case, seriousness of the allegations against the petitioner, his involvement in money-laundering and other aspects and also considering the observations made by the Hon'ble Apex Court in catena of decisions, I am of the considered view that the petitioner is not entitled to be released on bail. Therefore, this application is only to be dismissed. Point answered accordingly.

In the result, petition is dismissed.

Dictated to the Confidential Assistant, transcribed and prepared by her in computer, corrected by me and pronounced in open Court on this the 19<sup>th</sup> day of September, 2024.

Sd/-  
**Sabarinathan.P**  
**Special Judge, (SPE/CBI) – III**  
**Ernakulam**

**Appendix:** Nil.

Sd/-  
**Special Judge, (SPE/CBI) – III**

Typed by:-  
Compd. by:-

Order in CrI. M.P 574/24  
in SC PMLA 4/2023  
Dated 19.09.2024