

**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.

Thursday the 17th day of October, 2024/25th Aswina, 1946.

Crl. M.P. No. 661/2024

in

SC PMLA 04/2023

- Petitioner/Accused No. 21** : Abdul Gafoor, aged 55 years,
S/o. Mohammadunny, Vaishyam Veetil,
Mambrambath, Guruvayoor.P.O,
Thrissur District-680 101.
- Represented By** : Adv. Ieans. C. Chamakkala.
- 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 the Special Public
Prosecutor, Ernakulam.
- Represented By** : Sri.M.J. Santhosh
Spl. Public Prosecutor,
Directorate of Enforcement.

This petition coming on for hearing on 17th day of October, 2024 in the presence of Counsels on both sides and having stood over for consideration on same day the Court passed the following:-

ORDER

Application filed by accused No. 21 for releasing his passport and also seeking permission to go abroad.

2. The petitioner is accused No.21 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. The petitioner has started a new business venture at UAE and Saudi Arabia, as per order in CrI. M.P. 322/2024, the petitioner was permitted to go abroad for a period from 13.05.2024 to 13.07.2024, after completing his journey, he has returned to India and produced back his passport before this Court on 10.07.2024, later the passport of the petitioner was released to him as per order in CrI. M.P. 512/2024 dated 29.07.2024, he was permitted to go abroad for a period of two months w.e.f 05.08.2024

and after performing the journey, he returned to India and returned the passport on 04.10.2024. Now he again wants to go UAE for a period of two months from 21.10.2024 and thereafter to Saudi Arabia. He prays to release the passport for a period of one year and undertook to produce the passport on 01.10.2025.

3. Notice in this application has been given to the learned Special Public Prosecutor in charge of this case and the respondent has filed counter through the Special Public Prosecutor. Both sides were heard and perused the records.

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

5. **The Point:-** It is submitted on behalf of the petitioner that the petitioner may be permitted to go abroad for the above said period in connection with his business and granting permission to the petitioner will not in any way affect the interest of the prosecution, as this is a case of 2023 and trial is yet to be started. The learned Special Prosecutor raises serious objection in allowing this application. It is submitted that the passport of the petitioner is not liable to be released for a period of one year as prayed for by him and at the most the release can be for a

limited period of two or three months. I have perused the available records. The petitioner has only mentioned that he has to go UAE on 21.10.2024 and will return within two months. The details of the subsequent proposed journey to Saudi Arabia is not furnished by him. I am satisfied that permission can be granted to the petitioner to go UAE as prayed for by him for a period of two months and that will not affect the interest of the prosecution. I am not inclined to permit the petitioner to go Saudi Arabia for the time being for want of details of itinerary. The petitioner is at liberty to file fresh application for that purpose on his return from UAE. Hence this application is to be allowed in part.

In the result, petition is allowed in part and petitioner's passport is ordered to be released to the petitioner to go UAE for a period of two months w.e.f 21.10.2024 with following conditions:-

- a) The petitioner shall execute a bond for ₹1,00,000/- (Rupees One Lakh only) with two solvent sureties each for the like sum;
- b) The petitioner shall appear before this Court as and when required by this Court;
- c) The 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 and

d) The petitioner is directed to appear in person and surrender his original passport on or before 26.12.2024.

Dictated to the Confidential Assistant, transcribed and prepared by her, in computer, corrected by me and pronounced in open Court on this the 17th day of October, 2024.

Sd/-
Sabarinathan. P
Special Judge

Appendix: Nil.

Sd/-
Special Judge

Typed by:-

Compd. by:-

Order in Crl. M.P 661/24
in SC PMLA 4/2023
Dated 17.10.2024

