

**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.

Wednesday the 30th day of October, 2024/08th Karthika, 1946.

Crl. M.P. No. 697/2024

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** : Adv. Rajit.
- 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 30th 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 to delete/modify condition No. 2 and 3, as ordered in the bail application and dated 12.01.2024.

2. Petitioner is the accused No.19 in the above case, who is alleged to have committed the offence punishable u/s 4 r/w. 3 of PML Act.

3. The bail application filed by the petitioner was allowed with conditions including 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. In compliance of order of this Court, the petitioner has surrendered his passport.

4. Subsequently as per order in Crl. M.P.No.246/2024 dated 04.04.2024, the condition Nos. 2 and 3 was suspended for a period from 04.04.2024 to 4.10.2024, the petitioner was permitted to go abroad, his passport was ordered to be released for that purpose and he was directed to produce the passport on 04.10.2024. Subsequently on return from abroad, the petitioner has surrendered his passport before this Court on 03.10.2024.

5. According to the petitioner, he is running a business in Dubai for more than 30 years and for the purpose of business and to earn income for his livelihood, the petitioner is now again intends to travel to UAE and also to visit China in connection with his business for a period from 20.11.2024 to 20.04.2025. Hence, he has filed the present application to modify condition Nos. 2 and 3 in the bail order.

6. Notice in this application has been given to the learned Public Prosecutor in charge of this case and he has 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, he prayed to dismiss the petition.

7. Both sides were heard and perused the records.

8. This is a case of 2023 and steps are not complete. Hence, I am satisfied that permission can be granted to the petitioner to leave India for a period from 20.11.2024 to 20.04.2025 as prayed for by him and I am also satisfied that allowing this application, as above will not

cause prejudice to the prosecution as the case is not ripe for trial. Hence, I am inclined to allow this application.

In the result, petition is allowed and permission is granted to the petitioner to leave India for a period from 20.11.2024 to 20.04.2025, condition Nos.2 and 3 are suspended for the said period and the passport of the petitioner is ordered to be released for the said purpose with following conditions:-

a) 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 is permitted to obtain and retain his passport for the purpose of travel to UAE and China for a period from 20.11.2024 to 20.04.2025 and

c) He shall surrender his passport on or before 30.04.2025.

Dictated to the Confidential Assistant, transcribed and prepared by her in computer, corrected by me and pronounced in open Court on this the 30th day of October, 2024.

Sd/-

Sabarinathan. P
Special Judge

Appendix: Nil.

Sd/-

Special Judge

Order
in
CrI.M.P 697/2024
in
S.C PMLA 4/2023
Dated 30.10.2024