

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

Present :-

SRI.SHIBU THOMAS, SPECIAL JUDGE.

Wednesday the 24th day of January, 2024/04th Magha, 1945.

Crl. M.P. Nos. 97/2024, 98/2024 and 110/2024

in

SC PMLA No. 4/2023

Crl. M.P.97/24

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

Represented By : Advs.Iean.C.Chamakkala, Muhammed
Rauf and Paul Kuriakose.

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 : M.J. Santhosh, Public Prosecutor

Crl. M.P.98/24

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

Represented By : Advs.Iean.C.Chamakkala, Muhammed
Rauf and Paul Kuriakose.

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 : M.J. Santhosh, Public Prosecutor

CrI. M.P.110/24

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

Represented By : Advs.Iean.C.Chamakkala, Muhammed Rauf and Paul Kuriakose.

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 : M.J. Santhosh, Public Prosecutor

These petitions coming on for hearing on 24th day of January, 2024 in the presence of Counsels on both sides having stood over for consideration on the same day the Court passed the following:-

COMMON ORDER

CrI. MP Nos. 98/2024 and 110/2024 filed by 21st accused for releasing his passport and also seeking permission to go abroad. CrI. MP. 97/2024

filed by him to extend the time for surrendering the passport before this Court in compliance of bail order of this Court dated 12.01.2024.

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. Now, the petitioner intends to visit UAE for a maximum period of three week to execute agreement with partners and to put up a new office for the purpose of his business and for that purpose, petitioner received a visa for thirty days and the same is valid till 02.02.2024. Petitioner will return from Dubai on or before 11.02.2024. Hence these petitions for releasing his passport and to go to UAE.

3. The learned Public Prosecutor submitted that the allegation against the petitioner is very serious. However, with respect to these petitions, he did not raise any objection except the objection that the period

of stay abroad is not mentioned in the petition and the petitioner shall not be allowed to go abroad without specifying the period of stay abroad.

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:-** CrI. MP. 97/2024 is filed for getting extension of time to surrender passport before Court in compliance of bail order. From the records it is seen that petitioner surrendered his passport on 24.01.2024. Therefore, there is no question of allowing further period for surrendering his passport arises and the petition become already infructuous. Hence this petition is only liable to be dismissed.

7. With respect to other two petitions, the learned counsel for the petitioner submitted that he has not committed any offence. The allegation against the petitioner is false. The case is posted for appearance of remaining accused. 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, to execute an agreement with partners and also to set up a new office at UAE. Such a fact is not seriously challenged by the learned

Prosecutor. The objection of the learned Prosecutor is mainly regarding the period of stay abroad. He submitted that since nothing is stated in the petition regarding the period of stay at UAE, the petition shall not be allowed without specifying the period of stay at UAE. At this juncture, the learned counsel for the petitioner submitted that he is preparing to go to Duabi on 28.01.2024 and he will return on or before 11.02.2024. In this case, investigation of predicate offence is not completed and even appearance of the accused in this case is also not completed so far. In such a circumstance, it can be reasonably assumed that, there will be delay of commencing the trial in the near future. Furthermore, violation of any of the conditions in the bail order is reported so far. Considering the purpose of his travel abroad, I am of the opinion that petition can be allowed.

In the result, Crl. MP. 97/2024 is dismissed.

Crl. MP.Nos 98/2024 and 110/2024 are allowed. Petitioner's passport is released till 11.02.2024 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 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 11.02.2024.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 24th day of January, 2024.

Sd/-

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

Appendix: Nil.

Id/-

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

Typed by:-
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