

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

Present :-

**SRI.SHIBU THOMAS, SPECIAL JUDGE.**

Saturday the 19<sup>th</sup> day of August, 2023/ 28<sup>th</sup> Shravana, 1945.

**CrI. M.P. No. 781of 2023**

in

**S.C.01/2023**

**Petitioner/Accused No.10** Vinod P. V., aged 47 years, S/o K.  
Prabgharan, Plot No.4, Nikunj,  
A.P. Varkey Road, Kakkanad.

**Represented By** : Adv. Isac Sanjay.

**Respondent/Complainant:** Director of Enforcement,  
Government of India, represented by its  
Assistant Director,  
Cochin Zonal Office, Kanoos Castle,  
A.K. Sheshadri Road (Mullassery Canal  
Road West), Cochin – 682001.

**Represented By** : Adv.Govindu P. Renuka Devi.,  
Special Public Prosecutor.

This petition is coming on for hearing on 19.08.2023 in the presence of Counsels on both sides having stood over for consideration on the same day the Court delivered the following:

**ORDER**

Petition for permission to go outside the State of Kerala.

2. The prosecution case in brief is as follows:-

Petitioner is the 10th accused in the above case. On the basis of the FIR registered by CBI, ACB, Kochi, the FIR registered by

Vigilance and Anti Corruption Bureau SIU-1 and the case registered by Customs (Preventive) Commissionerate, Cochin, the Directorate had registered a ECIR/KCZO/09/2021 in the Life Mission Case against the petitioner and others u/s.3 r/w. sec. 4 of PML Act, 2002. On 13.04.2023 a complaint complied u/s. 44 and 45 of PML Act, 2002, u/s. 3 r/w. sec. 70 punishable u/s. 4 of PML Act, 2022 has been filed against the petitioner and other accused. On 24.07.2023, this Court has granted bail to the petitioner with conditions including a condition that he shall not leave the State of Kerala without prior permission of this Court.

3. The learned counsel for the petitioner submitted that the petitioner was not an accused in the ECIR and he was implicated as 10th accused only when the complaint is filed. During the investigation, the petitioner was asked to appear before the investigating officer and each time he has appeared before the investigating officer and gave statements. Later, petitioner appeared on summons before this Court on 24.07.2023 and considering the fact that his custody was never wanted during investigation and his co-operation with the investigating agency, this Court granted

bail to the petitioner with conditions, including the condition that petitioner shall not leave the State of Kerala without prior permission of this Court. It is submitted that the petitioner has not violated any of the conditions imposed by this Court and in compliance of the condition, he has surrendered his passport before the Court.

4. It is further submitted that petitioner is the Director of a private limited Company viz. M/s. Unitac Solutions India Pvt. Ltd incorporated in the year 2010. The company is actively engaged in the business of operation and maintenance of Telecom Infra Structure in different States of India and also executing sub contract work from M/s. Indus Tower Ltd which is a major company in the field of Telecom Infra Structure. It is further submitted that the petitioner is a graduate in B.Tech Electrical and Electronics and he joined the company as a Director in the year 2011 and he is responsible to manage the operation and supervision of about 750 employees of the company deployed at multiple locations across India. The company has office at Hoobli and Mangalore in Karnataka, Palayamakottai, Madurai and Coimbatore in Tamilnadu

and the petitioner used to visit these offices at least once in a month especially to allot the work to each section of the staff and also to take a review of their performance, for that very purpose, petitioner likes to visit these offices. It is further submitted that the petitioner has received e-mails from M/s. Indus Towers inviting for an interview with the officers of Indus Tower at their office at Chennai, Tamil Nadu and Gurugram, Haryana on 17.08.2023 and 21.08.2023 respectively. It is also submitted that it is necessary to attend the interview on such dates for safe guarding the business interest of the company. Therefore, this petition is filed for permission to leave the State of Kerala for a period of two months from 17.07.2023 to 17.09.2023.

5. The learned Public Prosecutor submitted that several times the statements u/s. 50 were recorded wherein he interalia stated about the execution of construction project on behalf of UAE Red Crescent through UAE Consulate, Thiruvananthapuram, the details of people involved in it, payment of commission, how he came to contact with Sri. Santhosh Eapen, the exact role played by him in Life Mission Project on behalf of M/s. Unitac Builders and

Developers, Sane ventures LLB, his acquaintance with A1, A2, A3 and A5, details of amount paid as commission/kick bags for getting the contract etc and it is submitted that he played a significant role in this case. It is further submitted that the petitioner seeks permission to travel outside for business purpose, yet fails to furnish any valid documents or reasoning for his to visit to various locations such as in Karnataka, Palayamakottai, Madurai and Coimbatore in Tamil Nadu. The petitioner's explanations lacks clarity and fails to justify the necessity of his travel to these places. Further more there is lack of supporting document, demonstrating a genuine need to travel to Chennai on 17.08.2023 to meet with Indus Towers officials. It is further submitted that the petitioner has not provided convincing reasons how not visiting these places would negatively impact their business. It is also submitted that if the condition No. 2 is relaxed, it might lead to a misuse and hinder the ongoing investigation in this case. Therefore, prayed to dismiss the petition.

6. The point for determination is, whether sufficient ground exist to allow the petitioner to leave the State of Kerala for a period from 17.07.2023 to 17.09.2023?

7. Heard both sides.

8. Point:- Notably the petition for leaving jurisdiction for a period from 17.07.2023 to 17.09.2023, the petition was seen filed on 14.08.2023. Petitioner has submitted a travel itinerary spanning two months from 21.08.2023. It shows that the travel itinerary is submitted on 19.08.2023 for two months starting from 21.08.2023. Consequently, it can be inferred that, there is no justification for granting permission to depart the State between 17.07.2023 to 21.08.2023.

9. Petitioner is the 10<sup>th</sup> accused. He was not arrayed as an accused in the ECIR. However, at a later point, he was arrayed as an accused. He was not subjected to arrest throughout the investigation. Subsequently he appeared before the court in response to summons. This court granted him conditional bail, stipulating that he shall not leave the State of Kerala without prior permission of Court. Respondent has no case that the petitioner has

violated any of the conditions imposed in the bail order till date.

10. The petitioner submitted that he hold a B.Tech degree in Electronics and serves as a Director for the Private Limited company known as M/s.Unitac Energy Solutions (India Pvt. Ltd). This company operates across multiple States in India and specializes in operations and maintenance of Telecom Infrastructure and it has about 750 employees working at multiple locations across India and the company is also undertaking subcontract work authorised by M/s. Indus Tower Ltd., a key player in the field of Telecom Infrastructure. It is submitted petitioner's role extends to monitoring office activities and evaluating employee's performance which prompted the petitioner to visit these offices. It is further submitted that he got E-mail invitations from Indus Tower Ltd., for personal meeting scheduled on 17.08.2023 at their Chennai office and on 21.08.2023 at their Gurugram office, Haryana.

11. The fact that the petitioner is the Director of the said Company, it has various offices in different states, company is engaged in operation and maintenance of Telecom Infrastructure in different states of India, the company is undertaking subcontract

from M/s.Indus Tower Ltd., and he is a graduate in Electronics and Engineering are not specifically denied by the respondents. It is the admitted case that the petitioner was not arrested during the time of investigation and they have no case that he has violated any of the conditions imposed by this court. It is also important to note that respondent has not a case that the petitioner has not co-operated with investigation.

12. The objection of the respondent is mainly on the grounds that the petitioner's submissions lacks strength, as no valid reasons have been provided in the petitions seeking permission to visit Hubli and Mangalore in Karnataka and Palayamkottai, Madurai and Coimbatore in Tamilnadu and he has not furnished any supporting documents to justify his proposed visit to Chennai on 17.08.2023 where the purpose is to meet with the Indus Tower officers. The respondent's concern is that if the conditions are relaxed as prayed in the petition, it would amount to a broad permission, which might adversely affect the on going investigation and there is all possibility of misusing the liberty granted by this court. I have gone through the e-mails from Indus Towers. It is evident that the meeting

scheduled at Chennai office had lapsed by 17.08.2023. As a result, the petitioner's request to meet officers in Chennai is denied. However considering the facts and circumstances, attending the meeting at the Gurugone office scheduled on 21.08.2023 could be permitted. Petitioner has not provided a clear reason for visiting offices in Karnataka and Tamilnadu. Without compelling reasons, the prayer to travel to various offices at Tamilnadu and Karnataka also cannot be allowed.

In the result, petition is allowed in part with following conditions:-

1. Petitioner is allowed to leave the State to attend a meeting at the office of Indus Tower Ltd., Gurugram, Hariyana scheduled for 21.08.2023.

2. Petitioner shall produce a verified copy of travel documents to the investigating officer before he leaves the State.

3. He shall appear before the investigating officer on or before 5.00 pm on 22.08.2023.

4. He shall not visit any place other than Gurugram office.

5. He must keep his mobile phone with Google location turned on, sharing the mobile number with the Investigating Officer.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 19<sup>th</sup> day of August, 2023.

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

APPENDIX : Nil

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

Typed by:-  
Compd by:-