

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

Present :-

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

Wednesday the 4<sup>th</sup> day of October, 2023/ 12<sup>th</sup> Shravana, 1945.

**CrI. M.P. No. 862 of 2023**

in

**S.C.01/2023**

**Petitioner/Accused No.7** : Santhosh Eapen, aged 57 years, S/o C.C.Eappen,  
Cheruvathoor House, Thalakkodu P.O.,  
Chottanikkara, Ernakulam.

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 04.10.2023 in the presence of Counsels on both sides having stood over for consideration on the same day the Court delivered the following:

**ORDER**

Petition to lift condition No. 2 imposed on the bail order.

2. Petitioner is the 7th accused in a case arises out of ECIR/KCZO/09/2021 registered by the Directorate of Enforcement on the allegation of offence punishable u/s.4 of Prevention of Money

Laundering Act. He was granted bail by this Court in CrI.M.C.1/2023 vide order dated 27.03.2023 with conditions. Petitioner has complied all the conditions. Now this petition is filed to lift condition No.2 in the bail order that petitioner shall not leave the State of Kerala without prior permission of this Court.

3. Petitioner is the Chairman of private limited company called M/s.Unitac Energy Solutions (India) Pvt. Ltd, which operates in multiple States including Kerala, Tamilnadu, Karnataka and Andhra Pradesh. This company was established in 2010 and is primarily engaged in the operation and maintenance of telecome infrastructure. Their service include erecting and maintaining mobile towers for telecome giants like Ericson, Nokia and ATC company. It is submitted that petitioner's company has a significant partnership with M/s. Indus Towers Ltd, a prominent player in the telecome infrastructure sector. On 4<sup>th</sup> November, 2020, an agreement was signed between M/s. Unitac Eney Solutions Pvt Ltd and M/s. Indus Towers Ltd. This agreement covers various services such as equipment maintenance, tower maintenance, and equipment inventory management for telecome towers operating in Tamilnadu circle (totaling 3265 sites). The agreement has a duration of 36 months, which is going to expire on 25.09.2023. Renewal of the agreement is stipulated for the continuation of business operation. On

07.09.2023, the petitioner's company received an e-mail from Mr. Visesh Choudhary, Corporate Supply Manager of M/s. Indus Towers, enquiring about the circles in which the petitioner's company wishes to submit quotation. This is in preparation for the renewal of agreement. The petitioner promptly responded to the e-mail on 08.09.2023, expressing interest in operating in the circles of Kerala, Tamil Nadu, Karnataka, Andhra Pradesh, Maharashtra, Goa and Odissa. Additionally another agreement was executed between the same companies on 10.11.2020 specifically covering operation in the Karnataka circle. Similar to the previous agreement, this one is also going to expire on 25.09.2023 and renewal is required before that date.

4. It is submitted that for renewing the agreement, discussions between petitioner's company and Indus Towers management with a focus on financial and technical aspects is necessary. The petitioner, who is the Chairman of the company is responsible for making decision related to the agreement, not only for Tamilnadu and Karnatka, but also for Andhra Pradesh, Goa, Maharashtra and Odissa. They are expected to make discussion directly to the top management of M/s. Indus Towers in Gurgon, Haryana for finalizing terms and resolving disputes. It is submitted that M/s. Indus Towers has appreciated the work of the

petitioner company and it has proposed their participation in various States in the next turn. This proposal was communicated through an e-mail from M/s. Milan Brower, the Corporate Supply Chain Manager of M/s. Indus Towers, which the petitioner's company positively responded to. Further more, the petitioner's company already has office in Bangalore, Palayamkottai and Vishakhapattanam and the petitioner produced copies of GST Registration Certificates to verify these official locations. The petitioner's company is preparing to expand its operation into States like Maharashtra, Goa and Odissa and plans to set up new offices there. This process will take some time and the petitioner/7th accused will need to be present in new sites to ensure their successful operation. Petitioner further submitted that he is ready to co-operate with the Court and the investigating officer. He is also ready to appear whenever required by this Court. It is further submitted that lifting this condition will not negatively impact the ongoing legal proceedings and adjudication process by the respondent. It is also submitted that they were previously granted permission by the Hon'ble High Court to leave Kerala for an urgent meeting in Tamil Nadu. They emphasis the necessity of this condition being lifted to carry out essential work of their company. Hence prayed to allow the petition.

5. Respondent filed objection. It is submitted that based on the first

information report filed by various entities including CBI, ACB, Cochin, VACB (SIU-I), Thiruvananthapuram and Customs Preventive Commissionerate, Cochin, the Directorate of Enforcement registered an Enforcement Case Information Report (ECIR) in the Life Mission case under PMLA, 2002 and initiated a criminal investigation against A7, A10 and others u/s. 3 r/w. sec. 4 of PMLA, 2002. The investigation in this case is currently pending. Based on the findings of the investigation, A7/Santhosh Eapen was arrested on 20.03.2023. Subsequently on 13.4.2023 a prosecution complaint was filed before this Court u/s. 44 and 45 of PMLA, 2002 for the commission of money laundering offences as defined u/s. 3 read with sec. 70 punishable u/s. 4 of PMLA, 2002. It is submitted that A1, Sivasankar and A2, Swapna Prabha Suresh allegedly conspired to generate kick back and commission related to funds provided by the UAE Red Crescent Authority for the Kerala Government Life Mission Project, in Wadakkanchery, Thrissur district, Kerala. They sought a pliable builder to award contracts and demand commission in turn. Sri. Sandeep Nair approached Sri. Yedu Surendran, who, in turn introduced Santhosh Eapen/A7 and Sri. Vinod.P.V/A10, partners of M/s.Sane Ventures LLP for discussion on commission payments. A1 played an active role in finalizing the contracts and contractual agreements were established between the UAE Consulate

General and both M/s. Unitac Builders and Developers and M/s. Sane Ventures LLP. A total Rs. 7,50,66,631.11 was credited to the bank account of M/s. Unitac Builders and Developers and M/s. Sane Ventures LLP on 01.08.2018. Rs. 3.8 crore had been withdrawn from this amount on 01.08.2019 and 02.08.2019 and allegedly paid by A7 as an upfront commission to A4, Khalil Muhammed Ali Shoukri and A1 Sri. M. Sivasankar for securing the construction contract in their favour. Of this amount, A4 is said to have illegally exported US dollars 190000 (equivalent to 1.30 crores) on 07.08.2019 with assistance of A2 and A3. The petitioner is granted bail by this Court with a condition not to leave the State of Kerala without prior permission of this Court as condition No. 2. The respondent further contended that in today's technologically advanced age, physical travel is no longer necessary, digital solutions like digital signatures can be used for contract renewal, making the petitioner's argument for relaxing the condition less relevant. They also contended that the petitioner has not provided compelling reason for needing to travel outside Kerala for business purpose. Further more, the respondent raises concern that allowing the petitioner to travel would jeopardize the trial, as they might abscond or tamper with evidence. They emphasis the seriousness of money laundering as an economical threat to national interest, perpetrated by white collar

criminals deeply embedded in society. Respondent pointed out that money laundering is unique because it continues even after the commission of the underlying crime, and it had considered when bail is granted to the petitioner. Therefore, prayed to dismiss the petition.

6. Heard both sides.

7. The point arises for consideration is, whether there is sufficient ground to lift condition No. 2 in the bail order?

**8. The Point:-** The petitioner is the 7<sup>th</sup> accused in the case. The petitioner was granted bail with certain conditions, including the aforementioned condition No.2. The petitioner now seeks the removal of the condition No. 2, primarily on the ground of business necessity.

9. It is submitted by the learned counsel for petitioner that petitioner's company primarily engaged in the telecom infrastructure. It has entered into two agreements with M/s.Indus Towers Ltd on 04.11.2020 and 10.11.2020 respectively. Both agreements expired on 25.09.2023. Though it is expired, the Indus Towers Ltd expressed their interest to renew the agreements. The discussions for renewal involved financial and technical aspects and require the presence of the petitioner along with the 10<sup>th</sup> accused, who plays a key role in decision making for the company. Further more, the petitioner's company has planned to expand its operation into States like Maharastra, Goa and

Odissa. It also requires presence of the petitioner in these States.

10. It is further submitted that the petitioner was previously granted permission by Hon'ble High Court to leave Kerala for an urgent meeting in Tamil Nadu.

11. The respondent, on the other hand has raised objections citing the seriousness of the money laundering charges and the potential risk associated with allowing the petitioner to travel outside Kerala. The respondent further argues that in today's technologically advanced age, physical travel is no longer necessary, and digital solutions can be used for contract renewal. It is further contended that the petitioner has not provided compelling reasons for travel outside Kerala for business purpose.

12. After careful evaluation of facts and circumstances of this case, it is found that the investigation pertaining to this case, with exception of the amount attributed to A4 has been completed and a complaint has been filed. The petitioner has not violated any of the bail conditions imposed in the bail order so far. The surrender of petitioner's passport reduces the flight risk. Further more, the two agreements produced by the petitioner after giving copies to the respondent, reflect the remarkable business interest of the petitioner's company. The documents produced by the petitioner show that the petitioner's

company has a significant partnership with M/s.Indus Towers Ltd, a prominent player in the telecommunication infrastructure sector. The agreement signed between these two companies on 04.11.2020 covers various services such as equipment maintenance, tower maintenance and management of telecommunication towers operating in Tamil Nadu circle totaling 3265 sites. This agreement has a duration of 36 months with renewal stipulated for continuation of business operation. Another agreement dated 10.11.2020 specifically covers operations in the Karnataka circle. Similar to the previous agreement, it has also a duration of 36 months and requires timely discussions and negotiations for renewal. The petitioner/7th accused, who is the Chairman of the company responsible for making decisions related to the agreement are expected to communicate directly with the top management of M/s. Indus Towers for finalizing the terms. Petitioner has submitted evidence of communication between his company and M/s.Indus Towers reflecting the importance of their business relationship. It is pertinent to note that respondent does not deny these business interests. The petitioner's company already has office in Bangalore, Palayamkottai and Vishakhapattanam. The petitioner has plan to expand his business into States like Maharashtra, Goa and Odissa. The petitioner submitted that he is ready to co-operate with the investigating officer and judicial

process. He has also expressed his willingness to appear whenever required by this Court. It is pertinent to mention that the petitioner was previously granted permission by the Hon'ble High Court to leave Kerala for an urgent meeting in Tamil Nadu highlighting the necessity of flexibility in condition No. 2 for his business purpose.

13. It is equally important to note that money laundering is a serious economic threat to national interest, often perpetrated by white collar criminals deeply embedded in society. Therefore, the seriousness of the charges must be considered when determining whether bail condition should be relaxed. The petitioner has demanded that he plays a pivotal role in the operation and management of the company that operates in multiple States and has contractual obligations that require his direct involvement in decisions and negotiations. On the other hand, the respondent has validly pointed out the seriousness of the charges against the petitioner and the risk of absconding or tampering with evidence, if he is allowed unrestricted travel.

14. After thorough examination of the rival contentions and the documents provided including e-mails produced and agreements between the petitioner and M/s. Indus Towers Ltd, this Court finds that balance must be struck between the petitioner's business interest and need to ensure that the ongoing legal proceedings are not hampered.

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

1. The petition seeking removal of condition No. 2 in the bail order is rejected.

2. However, recognizing the business interests and responsibilities of the petitioner, this Court suspends the operation of condition No. 2 for a period of six months from the date of this order. During this period, petitioner is allowed to travel outside State of Kerala for business purpose as mentioned in the petition, provided that he shall strictly comply with the following conditions:-

a). Petitioner shall inform the investigating officer in writing, details of time, date and place of visits, a minimum of three days before such travel.

b). In case of any urgent business travel, the petitioner shall inform the investigating officer a minimum of twenty four hours before the travel.

c). Upon arrival at any destination, the petitioner shall report his arrival to the respondent's office in that place, providing necessary contact information.

d). The petitioner shall co-operate fully with the ongoing legal proceedings and shall not tamper with any evidence or interfere with the witnesses in any manner.

e). Any violation of any of the conditions may result in immediate revocation of this suspension.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 4<sup>th</sup> day of October, 2023.

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

APPENDIX : Nil

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

Typed by:-  
Compd by:-