

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

Present :-

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

Tuesday the 02<sup>nd</sup> day of April, 2024/ 13<sup>th</sup> Vaisakha, 1946.

**Crl. M.P No. 236/2024 and Crl. M.P No. 237/2024**

in

**S.C.1/2023**

**Crl. M.P. No. 236/2024**

**Petitioner /Accused No.7:**

Santhosh Eapen, aged 51 years,  
S/o. C.C.Eapen, Cheruvathoor House,  
Thalakkodu.P.O, Chottanikkara,  
Ernakulam-686693.

**Represented By**

:

Advs. M.A. Muhammed Siraj,  
Harikrishnan Sreekumar, Cyriac Tom,  
Naveen. A. Varkey and Rizlana Nazar.

**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.

**Crl. M.P. No. 237/2024**

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

**Represented By** : Adv.s. M.A. Muhammed Siraj,  
and Rizlana Nazar.

**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.

These petitions are coming on for hearing on 25<sup>th</sup> day of March, 2024 in the presence of Counsel on both sides and having stood over for consideration till day the Court passed the following:

**COMMON ORDER**

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

2. The petitioners are the 7<sup>th</sup> and 10<sup>th</sup> accused in this case. They are alleged to have committed offenses u/s. 3 and are punishable u/s.4 of the Prevention of Money Laundering Act, 2002. It is further alleged that, as part of a criminal conspiracy involving the petitioners and other accused, they were awarded the contract for constructing flats under

the Life Mission Project of the Government of Kerala in Wadakkanchery.

The petitioner paid a commission of Rs. 3.80 crores to accused No. 4, out of which Rs.1,00,50,000/- was specifically paid to accused No. 1.

3. A7 was arrested during the investigation of the above case and remanded to judicial custody. This Court granted bail via an order dated 27.03.2023, with conditions that included the surrender of the petitioner's passport. A10 was appeared before Court on summons and bail was granted with condition. In compliance with this conditions, the petitioners surrendered their passports, which are now in the custody of this Court. The current petitions seek to lift condition No.2 in the bail order, which prohibits the petitioners from leaving the State of Kerala without prior permission from this Court.

4. The petitioners hold the positions of Chairman and Director in a private limited company called M/s. Unitac Energy Solutions (India) Pvt. Ltd. This company operates across multiple states, including Kerala, Tamil Nadu, Karnataka, and Andhra Pradesh. Established in 2010, it primarily focuses on the operation and maintenance of telecom infrastructure. Their services involve erecting and maintaining mobile

towers for telecom giants such as Ericsson, Nokia, American Tower Corporation, Reliance Tower Jio Infocomm Ltd, and Indus Towers Ltd.

5. M/s.Unitac Energy Solutions (India) Pvt. Ltd serves client companies spread across India, with headquarters located in diverse regions like Delhi, Mumbai, Rajasthan, Karnataka, and Tamil Nadu. The petitioners have executed an agreement with these client companies, committing to provide various services, including equipment maintenance, tower maintenance, and site/equipment inventory management for all telecom towers in operation within the various circles of these client companies.

6. Renewal of the agreement is essential for the company's continued business operations. Consequently, the petitioners frequently visit the client company headquarters to participate in discussions with management. These discussions cover both the financial and technical aspects, ensuring that the terms of the agreement are appropriately addressed.

7. The petitioners, are responsible to manage the operation and supervision of about 750 employees of the company deployed at multiple locations across India. The company has its offices at Hoobli and

Mangalore in Karnataka, Palayamkottai, Madurai, and Coimbatore in Tamil Nadu. The petitioners have to visit these offices at least once a month to allot work to his staff and to review their performance.

8. In 2020, M/s Unitac Energy Solutions Pvt Ltd established a significant partnership with M/s Indus Towers Ltd to manage telecom towers across 3265 sites in Tamil Nadu. As their agreements approached expiry on 25.03.2023, the petitioners filed CrI.M.P No.862/2023 and 863/2023 to lift bail condition No.2. Following a thorough review, the Court temporarily suspended this condition for six months (starting 04.10.2023), with conditions. The petitioners frequently visited M/s. Unitac Energy Pvt. Ltd offices in Bangalore, Palayamkottai, and Visakhapatnam, averaging over three visits per month.

9. The petitioners have diligently adhered to all bail conditions since being granted bail on 27.03.2023. They have already surrendered their passports to this Court and are ready to appear whenever summoned, either by this Court or the investigating officer. Additionally, it is pertinent to note that accused No.1 in this case has also been released on bail, by Hon'ble Supreme Court. Given the change in circumstances and the petitioner's bonafides, this Court may consider lifting the second condition

of the bail order, allowing the petitioners to travel beyond the State of Kerala.

10. Respondent filed an objection. It is submitted that petitioner/A7 handed over Rs.3.8 crores to A4 and A1 as an upfront commission for awarding the construction contract to his firms. The said accused No. 4 illegally exported US \$ 1,90,000/- with the assistance of A2 and Sarith P.S. Now, accused No. 4 has left India and is absconding. An open-ended non-bailable warrant is also pending against him.

11. Furthermore, the ongoing investigation involves one of the prime accused No. 4, who has fled the country. The bail granted to accused No.7 is under challenge, and the bail granted to A1 in this case is based on medical grounds, which is not a valid reason for granting relief as requested by the petitioner. Additionally, granting permission as prayed by the petitioners would adversely affect the further investigation in the present case. The presence of the petitioners is required for the ongoing investigation, especially considering the situation where one of the prime accused No.4, remains outside India and is absconding. 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 petitioners have not provided compelling reason for needing to travel outside Kerala for business purpose. Further more, the respondent raises concern that allowing the petitioners to travel would jeopardize the trial, as they might abscond or tamper with evidence. They emphasize 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.

12. Heard both sides.

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

**14. The Point:-** The petitioners are 7<sup>th</sup> and 10<sup>th</sup> accused in the case. They were granted bail with certain conditions, including the aforementioned condition No.2. The petitioners have now filed these petitions, claiming change of circumstances in view of bail granted to A1 by the Hon'ble Supreme Court.

15. The petitioners are the Chairman and Director of M/s. Unitac Energy solutions India Pvt Ltd, a company having business interests across various Indian States including Kerala, Tamilnadu, Karnataka and Andhra Pradesh. It is submitted that since its inception in 2002, the company has been involved in the Telecom Sector, providing services like maintenance of mobile towers for clients, such as Ericson, Nokia and Reliance Jio. The company's operations are nationwide, with head quarters in major cities and a work force of about 750 employees. The petitioners are responsible for renewing service agreements with client companies, which requires frequent travel to discuss and decide on the financial and technical terms. The petitioners also oversee the company's operation and employee performance, necessitating monthly visit to various offices. M/s. Unitac Energy solutions India Pvt Ltd, formed a key partnership with M/s. Indus Tower Ltd in 2020 to manage telecome towers across Tamil Nadu. As their contract neared expiration, the petitioners engaged in renewal discussions. Accordingly petitioners filed CrI.M.P.862/2023 and 863/2023 to lift condition No.2 to facilitate these talks and after considering the documents submitted before the Court, a temporary suspension of condition was granted. It is submitted that petitioner

adhered to the conditions imposed by this Court.

16. It is further submitted that the petitioner/7<sup>th</sup> accused was previously granted permission by Hon'ble High Court to leave Kerala for an urgent meeting in Tamil Nadu.

17. 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 the purpose emphasized in the petition. It is further contended that the petitioners have not provided compelling reasons for travel outside Kerala for business purpose.

18. After a thorough evaluation of the facts and circumstances in this case, it has been determined that the investigation related to this matter, except for the amount attributed to A4, has been completed, and a complaint has been filed. The petitioners have not violated any of the bail conditions imposed in the bail order or the conditions set forth in the previous petition. Surrendering the petitioners passport have mitigated the flight risk.

19. The petitioners assert that their company has a significant partnership with M/s. Indus Towers Ltd, a prominent player in the telecommunication infrastructure sector. Notably, the respondent does not dispute these business interests. The petitioner's company already maintains offices in Bangalore, Palayamkottai, and Vishakhapatnam. Additionally, the petitioners have plans to expand their business into states such as Maharashtra, Goa, and Odisha.

20. The petitioners have expressed their willingness to co-operate with the investigating officer and the judicial process. Furthermore, the petitioners have committed to appear whenever required by this Court. It is essential to highlight that the petitioner/accused No.7 was previously granted permission by the Hon'ble High Court to travel to Tamil Nadu for an urgent meeting, underscoring the need for flexibility in condition No. 2 for business purposes. Subsequently, this Court confirmed this flexibility through orders in CrI. MP. No.862/2023 and 863/2023.

21. 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 petitioners have demanded that they play a pivotal role in the operation and management of the company that operates in multiple States and has contractual obligations that require their direct involvement in decisions and negotiations. On the other hand, the respondent has validly pointed out the seriousness of the charges against the petitioners and the risk of absconding or tampering with evidence, if they are allowed unrestricted travel.

22. After thorough examination of the rival contentions and arguments adduced from both sides, this Court finds that balance must be struck between the petitioners 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 petitioners, this Court suspends the operation of condition No. 2 for a further period of six months from the date of this order. During this period, petitioners are allowed to travel outside State of Kerala for business purpose, provided that they shall strictly comply with the following

conditions:-

a). Petitioners 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 petitioners shall inform the investigating officer a minimum of twenty four hours before the travel.

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

d). 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 2<sup>nd</sup> day of April, 2024.

Sd/-

**Shibu Thomas**

**Special Judge, (SPE/CBI) – III**

**Ernakulam**

**Appendix: Nil.**

Id/-

**Special Judge, (SPE/CBI) – III**

Typed by:-  
Compd by:-