

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

Present :-

SRI. K.K. BALAKRISHNAN, SPECIAL JUDGE.

Monday, the 24th day of July, 2023/ 2nd Shravana, 1945.

Crl. M.P. Nos. 711/2023 and 712/2023

in

S.C.01/2023

Crl.M.P.No.711/2023

Petitioner/Accused No.6 : Shri. Yedu Surendran, Aged 38/2022,
S/o Shri. S.S. Surendran Nair,
Former Technician in M/s Unitac, 11/329,
Avittom, Mukkolakkal, Nedumangad,
Trivandrum -695541.

Represented By : Advs. V.A. Vinod, Vinod Antony K.A., and
Shakthi Prakash.

Respondent/Complainat : Asst. Director, Directorate of Enforcement,
Government of India,
Represented by it 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.712/2023

Petitioner/Accused No.10 : Vinod P.V., aged 47 years,
S/o Shri. K. Prabhakaran, Plot No.4,
Nikunj, A.P. Varkey Road,Kakkanad,
Ernakulam, Pin -682030.

Represented By : Adv. Isac Sanjay.

Respondent/Complainant : Asst. Director, Directorate 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 coming on for hearing on 24th day of July, 2023 in the presence of Counsel on both sides having stood over for consideration on the same day the Court delivered the following:

COMMON ORDER

Criminal M.P. Nos. 711/2023 and 712/2023 are filed by A6 and A10 respectively in the above matter for releasing them on bail. They have stated that in compliance of the summons issued by this Court, they appeared and ready to furnish sufficient sureties to release them on bail. They have no connection with the alleged transaction and were falsely implicated in the case. A2, A3, A5 and A7 are already released on bail. They are ready to co-operate with the investigation and also to appear in this Court as and when directed. They have not committed any offence alleged by the complainant. For these grounds, both petitioners prayed to release them on bail.

2. Against the petition, the learned Special Prosecutor appearing for the complainant/respondent raised serious objections by submitting that Sec. 45 of Prevention of Money Laundering Act, 2002 (for brevity 'PML Act')

is applicable against the petitioners. Therefore, they cannot be released on bail and prayed to dismiss the petitions.

3. Heard both sides.

4. The learned counsel appearing for the petitioners submitted that restriction in Sec. 45 of PML Act is not applicable to the petitioners after filing of the final report in this case. During the investigation stage, the petitioners co-operated with the complainant, recorded their statements many times and there was no attempt from the complainant to arrest them. The judgment of Hon'ble Supreme Court in Satender Kumar Anil Vs. Central Bureau of Investigation dated 11.07.2022 in M.A Diary No. 29164/2021 and the judgment of the Hon'ble High Court of Delhi in Rana Kapoor Vs. Directorate of Enforcement dated 25.11.2022 in Bail Application.559/2022 were produced on behalf of the petitioners. The learned Special Prosecutor opposed the arguments of the petitioners' counsel and reiterated the restrictions in sec. 45 of PML Act.

5. In Rana Kapoor's case (supra), the Hon'ble High Court of Delhi considered similar facts, Sec. 170 of Cr.P.C and sec. 45 of PML Act as well as the judgment of the Hon'ble Supreme Court in Satender Kumar Anil's case and granted bail to the petitioners of that case. It is pertinent to note in the case on hand that no attempt was made by the complainant to arrest the petitioners during the investigation stage and no petition is filed in this

Court seeking custody of them. Moreover, the Hon'ble High Court of Kerala granted bail to A5 after considering the arguments of the complainant. Therefore, I am of the view that the restrictions in Sec. 45 of PML Act is not a ground to reject the bail application filed by the petitioners. Therefore, the petitions are allowed and both petitioners are released on bail with following conditions:-

1. Petitioners shall execute bond for Rs.1,00,000/- (Rupees One lakh only) each with two solvent sureties each for the like amount.
2. Petitioners shall not leave the State of Kerala without prior permission of the Court.
3. They shall produce their original passports. If they are not in possession of passports, file an affidavit to that effect.
4. They shall co-operate with the investigating agency .

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 24th day of July, 2023.

Sd/-
K.K Balakrishnan
Special Judge, (SPE/CBI) – III
Ernakulam

APPENDIX : Nil

Id/-
Special Judge, (SPE/CBI) – III

Typed by:-
Compd by:-