

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

Present :-

**SRI. K.K. BALAKRISHNAN, SPECIAL SESSIONS JUDGE.**

Friday, the 26<sup>th</sup> day of May, 2023/ 5<sup>th</sup> Jyeshtha, 1945.

**Crl. M.P. No.439 of 2023**

**in**

**S.C.No.1/2023**

**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:** 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.

This petition coming on for hearing on 15<sup>th</sup> day of May, 2023 in the presence of Counsels on both sides having stood over for consideration till day the Court delivered the following:

**ORDER**

This petition is filed by A7 in the above matter with a prayer to release his passport for obtaining Visa of United States of America after relaxing condition No. 4 in the bail order of this Court. The petitioner says that in compliance of condition No.4 in the bail order, he surrendered his passport in this Court. He is a builder by profession and M/s. Unitac Energy Solutions (India) Private Limited and M/s. Unitac Builders are the two companies functioning under him involving construction of buildings in the countries in Gulf, Europe, America etc. Till 2021 he was holding 'B1/B2' visa of USA and visited that country many times. In September, 2022 he applied for visa of USA and for processing his application, an appointment is given by Visa Processing Centre (for short 'VPC') to 05.06.2023 as per Annexure-2. He has to drop his passport at the Kochi office of the VPC at least before ten days from the date of appointment to avoid traveling to Chennai. He has any proposal to go to USA, but in future to meet investors, it will be required to travel that country. The Visa processing for USA will take many months. So he is trying to get a Visa to attend for urgent travelling to that countries. He does not want to miss this opportunity. There may be long delay in getting such Visa with a validity for ten years. After the

Visa taking procedure, passport will be returned and it will be surrendered in this Court. He shall not misuse the liberty granted by this court. So on these grounds, the petition is filed.

2. Along with the petition, the order of this Court granting bail to the petitioner dated 27.03.2023 and copy of e-mail claimed to be issued as an appointment confirmation letter for Visa processing are enclosed.

3. Against the petition, the learned Special Public Prosecutor of the investigating agency submitted serious objections in written format and prayed to dismiss the petition. The investigating officer repeated the history of the case, i.e. the registration of FIR by Vigilance and Anti Corruption Bureau, Thiruvananthapuram, conducting of investigation in this case, filing of the complaint and arrest of the petitioner and A1. The subject matter of the case is that ₹3.8 crore as upfront commission was given to A4 and A1 for awarding construction contract of housing project called 'Life Mission' at Vadakkanchery in Trissur District to the petitioner's firm and on 07.08.2010 with the assistance of A2 and A3, US \$ 1,90,000/- equivalent to ₹1.30 crore illegally exported to UAE and there by committed the offences under PML Act by all accused persons. The respondent/ complainant further contented that if the passport is released and permission is granted for applying for Visa, it will affect the prosecution of this case. The petitioner has not produced any details of

his place of visit and address of the person he is likely to be contacted. In the subject matter, further investigation is going on. If the bail conditions are relaxed, it will affect the further proceedings in the matter. Even after the expiry of his Visa to USA in the year 2021, he applied for new Visa in September, 2022 only. So there is no cogent and valid reason supporting the claim of the petitioner. If the petitioner is permitted to go USA, it will be detrimental to the trial of the case. Therefore, respondent prayed to dismiss the petition.

4. Heard both sides.

5. The learned counsel appearing for the petitioner reiterating the contentions of the petition submitted that the petitioner shall not leave the country. His intention is only to get a valid Visa to USA for a period of ten years. If the petitioner's passport is released and permission is granted to apply for visa of USA, none of the procedure of this case shall be affected in any manner. Moreover, charge sheet is already filed and no purpose will be served if the right of the petitioner to travel to USA is curtailed or denied. The learned counsel reiterated that the passport is required for few months only and thereafter it will be surrendered in this Court without failure.

6. The learned Special Public Prosecutor vehemently opposed the petition and submitted that from the petition itself it is revealed that

the petitioner is trying to obtain Visa to USA for a period of ten years. So the possibility of leaving the country by the petitioner cannot be ruled out. More over further investigation in the subject matter is undergoing and confiscation proceedings are started against the petitioner. So prayed to dismiss the petition.

7. Along with the petition, the petitioner produced above said e-mail copy and order of this Court. The offence alleged against the petitioner are very serious in nature involving foreign national and foreign currency. The final report shows that the petitioner also facilitated exporting of US Dollar to foreign country and giving of commission out of the said housing project of the State. It is pertinent to note that the investigating officer replied to the petition that the confiscation of the assets of the petitioner is undergoing, further investigation is continuing to know the source and other details of the bribe money involved in this case and to ascertain its value. As far as considering the grounds for the petition, the petitioner himself submitted that he is not going to file any application for exemption from personal appearance and he is applying for Visa to USA for a period of 10 years. Non bailable warrant is pending against A4 and A5. Considering all the facts and circumstance of the case I am of the view that there is no need to relax the condition number 4 of the Order dated 27.03.2023 in Crl. MC 01/2023 of this Court and time is not ripe to

release the passport to the petitioner for obtaining Visa to USA.

Therefore the petition is dismissed.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 26<sup>th</sup> day of May, 2023.

Sd/-

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

APPENDIX : Nil

Id/-

**Special Judge, (SPE/CBI) – III**

Typed by:- Apb/-

Compd by:- STS