

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

Present :-

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

Thursday, the 8<sup>th</sup> day of June, 2023/ 18<sup>th</sup> Jyeshtha, 1945.

**Crl. M.P. No. 518/2023**

**in Crl. M.C.1/2023**

**in**

**SESSIONS CASE No. 1/2023**

**Petitioner/Accused No.7** : Santhosh Eapen, aged 57 years, S/o C.C.Eapen,  
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 7<sup>th</sup> day of June, 2023 in the presence of Counsel on both sides having stood over for consideration till the day the Court delivered the following:

**O R D E R**

This petition is filed by A7 in the above matter with a prayer for permission to leave State of Kerala for two days visit to Palaymkottai in Tamilnadu from 08.06.2023 to 09.06.2023. The contentions in the petition are following:- Respondent registered the above case against the petitioner and other accused persons alleging offence u/s. 4 of Prevention of Money Laundering Act, (for short 'PML Act') . He was arrested on 20.03.2023 and released on bail on 27.03.2023 by this Court with conditions to surrender his passport and shall not leave the State of Kerala without prior permission of this Court. Petitioner is the Managing Director of a private limited company having business interests and offices in various States and involving operation and maintenance of telecom infrastructure. The company is having office in Palayamkottai, Tamil Nadu. The company has overdraft account and current account in Canara Bank, Palayamkottai branch. The company is having sub contracts with M/s. Indus Tower for the erection of mobile towers and allied works. For the completion of the works of the company, it needs additional funds. He, as the Managing Director of the company likes to meet the Branch Manager and Chief Manager of Palayamkottai branch of Canara Bank for getting additional fund for the company and to discuss about the transfer of the employees salary account from State Bank of India to Canara Bank. The

Branch Manager asked about the details of the cases pending against him. The petitioner likes to meet the Branch Manager in person for alleviating his apprehensions. The Bank Manager on 26.05.2023, over phone asked the petitioner to meet within a short time and the petitioner likes to meet the Manager on 08.06.2023. Another petition CrI.M.P.421/2023, filed by him for permission to go outside the State of Kerala for a period of two months is pending before this Court. If the petitioner cannot meet the Managers of the Canara Bank, Palaymkottai branch, it will adversely affect the business interest of the company. He will not misuse the liberty granted by this Court. On these grounds, prayed for above stated reliefs.

2. Against the petition, the respondent/complainant filed serious objections with following contentions:- The allegation in the case against the petitioner is that he handed over ₹3.8 crore as an upfront commission to A1 and A4 as a reward for giving construction contract to the company of the petitioner. Out of that amount, US \$190000/- equivalent to ₹1.30 crore had illegally exported by A4 on 07.08.2019 with the assistance of A2 and other accused. If the petitioner is permitted to leave the State of Kerala, it will adversely affect the case. Further investigation is going on with respect to the remaining part of the subject matter. If the petition is allowed there is every likelihood for tampering the evidence and thereby it will be difficult to trace out the money involved in this case. The petitioner filed another petition for permission to release his passport for obtaining USA Visa which was dismissed by this Court and against that CrI. M.C 4165/2023 is pending before

the Honourable High Court of Kerala as it is posted for orders. So the prosecuting agency prayed to dismiss the petition.

3. Heard both sides.

4. The learned counsel appearing for the petitioner submitted that the petitioner has to meet the Manager of Canara Bank to get overdraft facility and repeated the contentions in the petition. The learned Special Prosecutor opposing the petition submitted that in this case A4 is still absconding, A1 and A5 are in custody. Bail application of A1 is pending before the Hon'ble Supreme Court of India. Another application of the petitioner for permission to leave State of Kerala is still pending in this Court. If the petitioner is permitted to leave the State, chance of absconding cannot be ruled out. If the petitioner is permitted to contact the Bank Managers, it will affect the ongoing investigation to find out ₹1 crore involved in this case. Moreover other accused persons are still out of the Court and bail was not granted to them. So there is no reason to allow this petition and prayed to dismiss it.

5. Along with the petition, copy of GST Registration Certificate alone is produced by the petitioner. As per the copy of the petition issued to Special Public Prosecutor, the petitioner has to go Palayamkottai on 08.05.2023 to 09.05.2023. The paragraph 4 of the petition says that the petitioner likes to meet the Bank Manager in person. There is no material to connect the petitioner and said Canara Bank branch. The petitioner's counsel replied that the petitioner is not ready to interact with the Manager through video conferencing. When the Prosecutor agreed to send an officer of the

investigating agency along with the petitioner that also not acceptable to the petitioner. Another petition dated 29.04.2023 filed by the petitioner in this Court for permission to go out of State of Kerala is still pending and adjourned to 23.06.2023 as requested by the petitioner. Another petition stating the reason that he needs Visa to USA and for that purpose, his passport is to be released was filed on 15.05.2023 dismissed by this Court in the order dated 26.05.2023. In the disposed petition, CrI. MP. 439/2023 and pending CrI. MP. 421/2023, the petitioner has not stated any of the facts stated in paragraph 4 of the present petition. So considering the approach of the petitioner by filing petitions one after another, citing different reasons to leave the State of Kerala also a circumstance unfavourable to the petitioner to allow the relief in this petition. The petitioner can very well meet the Bank Manager through video conferencing. Only averment in the petition is that he likes to meet the Managers of Canara Bank, Palaymkottai. Moreover the company of the petitioner is a private limited company. So there are many officials to deal the day today affairs of the company. There is no explanation from the petitioner for the difficulty of the top level officers of the company of the petitioner to appear and deal the banking activities of the company. A4 is still absconding and out of India. The allegation in the case is that the petitioner handed over money to the absconding accused. So considering all these facts and circumstances, the petitioner is not entitled to get the relief prayed in the petition. I am of the opinion that petitioner is trying to leave the State somehow after getting a permission from this Court. It is also

pertinent to note that further investigation is going on with respect to ₹ one crore involved in this case. So no reason is found to grant permission to the petitioner to leave the State of Kerala. So the petition is found devoid of merit and only liable to be dismissed.

In the result, petition is dismissed.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 8<sup>th</sup> day of June, 2023.

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

APPENDIX : Nil

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

Typed by:- Apb/-  
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