

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

Present :-

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

Monday the 29<sup>th</sup> day of January, 2024/ 09<sup>th</sup> Magha, 1945.

**Crl. M.P. No. 114/2024**

in

**S.C.1/2023**

**Crl. M.P.114/2024**

**Petitioner /Accused No.1:** M.Sivasanker, aged 60/2023,  
S/o.N.D. Madhavan Nair,  
(Former Principal Secretary  
to the Kerala Cheif Minister),  
Devadarsana, Katturoad, Poojapura,  
Thiruvananthapuram District.

**Represented By** : Advs. John. S. Ralph and  
Giridhar Krishnakumar)

**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 coming on for hearing on 29.01.2024 in the presence of

Counsels on both sides having stood over for consideration on the same day the Court passed the following:

**ORDER**

Petition filed by the counsel for the first accused seeking permission to sign the bail bond at his residence.

2. Petitioner is the first accused and he was granted bail by the Hon'ble Apex Court vide order in SLP (CRL) No.5590/2023 dated 19.01.2024. Now the petitioner filed this petition citing his health status and inability to attend the Court for executing the bail bond. In the petition, the petitioner/accused requested the Court to dispatch the bail bond to Thiruvananthapuram, where he is currently residing due to his medical condition.

3. The learned Special Prosecutor raised objection, contending that proper authentication by his duly appointed counsel is essential.

4. Heard both sides.

5. It is revealed from the order of the Hon'ble Apex Court that the bail was granted only on medical grounds. The learned counsel for the petitioner/A1 submitted that the accused has been advised complete bed rest by doctors after evaluating his present condition on 19.01.2024 for

starting stem cell therapy. The accused has been diagnosed with degenerative spine disease with multiple level cervical and lumbar spondylotic changes with significant lumbar canal stenosis with left shoulder arthropathy and he was advised to take medicine continuously. It is further submitted that during the flight journey to and from JIPMER as directed by the Hon'ble Apex Court, the condition of the accused worsened due to the shock sustained on landing of the aircraft. His condition has become worse since and he is not in a position to travel even by aircraft due to the aforesaid reasons.

6. Considering the initial grant of bail solely on medical grounds, this Court accepted the application of accused No.1, acknowledging the impracticability of requiring him to appear in person. Despite this, the respondent's argument regarding the necessity for proper authentication of the accused's signature was emphasized. Balancing these factors, this Court permitted the dispatch of the bail bond after executing the bond by sureties to Thiruvananthapuram, where the petitioner is currently residing, recognizing the unique circumstances of the medical ground on which the bail was originally granted. The accused shall execute the bail bond in the presence of his counsel duly appointed and as an evidence of

execution, accused shall file an affidavit and that affidavit shall be duly verified by his counsel who witnessed the execution.

In the result, petition allowed.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 29<sup>th</sup> day of January, 2024.

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

**Appendix:** Nil.

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

Typed by:-  
Compd by:-