IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CHENNAI
Present: **Thiru.S.Karthikeyan,** M.A., M.L., M.Sc., PGDCFSc.,
Principal Sessions Judge.
Wednesday, the 09th day of July, 2025

Crl.M.P.No.03 / 2025
in
C.C.No.9 / 2023

R.V.Ashok Kumar .. Petitioner / Accused No.2

Vs.

The Deputy Director,
Directorate of Enforcement,
Chennai Zonal Office-I,
5th and 6th Floor, BSNL Administrative Building,
Kushkumar Road, Nungambakkam,
Chennai-600034. ..Respondent / Complainant

This petition is coming on this day before me for hearing in the presence of M/s.S.Senthil, D.Vairamoorthy and Abinesh Babu, the Counsel for the petitioner and of Mr.Rajnish Pathiyil, the Special Public Prosecutor for the respondent and upon hearing both sides and upon perusing the records, this court delivered the following:

ORDER

1. The petitioner/A2 has come up with the present application seeking for permission to travel abroad to take critical medical treatment.

2. According to the petitioner, the petitioner was implicated in the present case by way of supplementary complaint in C.C.No.9 of 2023. The petitioner appeared before this Court on 09.04.2025 on summons. Upon his appearance, as per the directions of this Court, he had furnished the bonds for Rs.2 Lakhs along with two sureties to the

satisfaction of this Court. The Petitioner has been regularly appearing before this Court. Further, the petitioner has been diagnosed with severe cardiovascular issues, including coronary artery disease (CAD), and underwent a coronary angioplasty on 08.12.2021 in SIMS Hospital, Chennai. Unfortunately, despite the procedure, his condition has not been resolved and has progressively worsened. The petitioner underwent coronary angiogram on 31.05.2025 in Apollo Hospital, Chennai. The Petitioner remains on continuous medication, but his health is deteriorating, with multiple organs now being affected due to the long-term stress placed on his system. Any how Doctors are of opinion that due to considering the young age of the Petitioner, he requires advanced Cardio Treatment for his longevity life, which is now available only in USA. The Petitioner's doctors have advised that he has to take a specialized treatment in United States of America, as local options have been exhausted. This intervention is crucial not only to address the progression of the Petitioner's heart condition but also to prevent further damage to his organs. The strain on his health has significantly impacted his daily life and work, and his family is under considerable stress. The urgent and life-threatening nature of his medical condition, the Petitioner had submitted his representation to the Respondent on 02.06.2025 to withdraw the lookout circular (LOC) and allow the Petitioner to travel abroad for the required treatment. It is pertinent to mention here that the LOC issued against the Petitioner by the Respondent during investigation of the above said case and the Respondent after completing their investigation filed the above supplementary complaint before this Court and the Petitioner has also been appearing before this Court. Therefore, the LOC issued by the Respondent against the Petitioner is no longer required. In view of section 6 (2) (f) of the Passports Act, permission of this Court allowing the Petitioner to travel to USA for his treatment at Mayo Clinic, Rochester, Minnesota, USA, is just and necessary and by considering the gravity of the health situation of the Petitioner, unless this Court permitted the Petitioner to travel USA for a period of two weeks for taking treatment, his health condition will be adversely affected and unsafe. The Petitioner undertakes that he is ready to provide any additional medical documents or assurances needed for this process. The Petitioner has got valid Visa to travel to USA and the copy of the Petitioner's passport and Visa are enclosed with the petition. Therefore, he prays for permission to travel USA for getting better medical treatment.

3. The learned counsel for the petitioner relied on the decision of the Hon'ble High Court of Bombay at Goa in Chaitya Shah -vs- Union of India and others, reported in 2021 SCC OnLine Bom 3967 and the decision of the Hon'ble High Court of Punjab and Haryana in Directorate of Enforcement -vs- Lalit Goyal in CRM M-8939 of 2025, dated 24.02.2025 in support of his contention.

4. Per contra, the respondent/E.D. has come up with the counter stating that an FIR, in Cr.No. 441/2015 dated 29.10.2015 by Shri S. Devasahayam, was registered U/s 406, 420 R/w 34 of the Indian Penal Code (IPC), wherein it was alleged that an

individual named Shri Palani had received Rs. 2,60,000/- with the promise of facilitating a job for his son as a conductor in the Tamil Nadu State Transport Corporation. However, the promised appointment never materialized, and the money was not returned, leading to the filing of the complaint. During the course of the investigation by CCB, Chennai, another victim of the job racket, Shri Gopi, lodged a complaint on 07.03.2016 with the Commissioner of Police. This complaint asserted that he and the other job aspirants had collectively paid a sum of Rs. 2,31,20,000/- to Shri Senthil Balaji, the then Transport Minister, his brother Shri. R.V. Ashok Kumar, his PAs Shri. B. Shanmugam, Shri. M. Karthikeyan and others. This payment was intended to secure appointment orders for various positions such as Driver, Conductor, and Mechanic in the Transport Corporation, State of Tamil Nadu. However, the promised appointments were never received, and the funds were not reimbursed. Subsequently, Shri. Gopi filed a petition vide Crl.O.P. No. 7503/2016 before the Hon'ble High Court of Madras, seeking an inquiry into his complaint. Subsequently, the Hon'ble High Court also issued an order on 20.06.2016, directing the CCB, Chennai to investigate beyond lower-level officers and trace the whereabouts of Rs. 2 Crores. A Final Report in C.C No. 3627/2017 was filed before the learned Metropolitan Magistrate for CCB and CBCID (Metro) Cases, Chennai, on 13.06.2017, U/s 406, 419, and 420 R/w 34 IPC. This final report had named Shri. Baskar and 11 others as Accused, detailing the collection of a total sum of Rs.3,87,60,000 from numerous candidates. Under these circumstances, another victim of the job racket scam, Shri. R.B. Arun Kumar, approached the Hon'ble High Court of Madras and filed Crl.O.P. No.32067/2019. In the said petition, he sought further investigation in Cr. No. 441/2015 in C.C. No. 3627/2017 pending before the learned Metropolitan Magistrate for CCB and CBCID (Metro) Cases, Chennai. He contended that conducting further investigation was essential to prevent the real beneficiary of the crime from evading the clutches of the law. The Hon'ble High Court of Madras issued an order dated 27.11.2019, mandating the following: "to conduct further investigation in C.C. No. 3627/2017 pending before Metropolitan Magistrate for CCB and CBCID (Metro) Cases, Chennai and complete the same as expeditiously as possible, in any event within six months from the date of receipt of a copy of this order." In compliance with this directive of the Hon'ble High Court, further investigation was commenced on 08.01.2020. Further investigation unearthed that between 26.05.2011 and 27.07.2015, Shri. V. Senthil Balaji, while serving as the Minister of Transport, Government of Tamil Nadu, colluded with his brother Shri. R. V. Ashok Kumar and his associates, conspired with Managing Directors of State Transport Undertakings (STUs) and other Transport Corporation officials. Their purpose was to illicitly obtain bribes from candidates in exchange for securing positions such as driver, conductor, junior tradesman, junior assistant, junior engineer, and assistant engineer within the transport corporations. Consequently, a Final Report in C.C No. 24/2021 was filed against Shri. V. Senthil Balaji, Shri. B Shanmugam, Shri. M Kartikeyan and 44 others on 08.03.2021 before the learned Metropolitan Magistrate for CCB and CBCID (Metro) Cases, Chennai, for commission of offences U/s 406, 419, and 420 R/w Sec 34, 120B, 465, 467, 471, and 201 of IPC, and Sec 7, 12, 13(2) R/w 13(1)(d) of the Prevention of Corruption Act, as well as Section 109 IPC R/w 13(1)(d) of the Prevention of Corruption Act. Shri. V.Senthil Balaji played a pivotal and central role, exploiting his official capacity as the then Transport Minister for personal gain through corrupt and illegal means. He directly acquired illicit proceeds resulting from criminal activities linked to scheduled offenses. Shri. V. Senthil Balaji collaborated with co-conspirators, including his brother, i.e. Shri.Ashok Kumar, the Petitioner/Accused No.2, personal assistants, and officials from the Transport Department, to orchestrate a strategy. Despite denying his connections with his assistants Shri Shanmugan and Shri. Karthikeyan in his statement under PMLA section 50, investigative findings decisively established his involvement and role. Evidence unquestionably demonstrates that the conspiracy to exchange cash for job selections, which Shri. V. Senthil Balaji claimed ignorance of, was conceived and executed under his authority. The implemented plan involved channeling cash through his brother and accomplices, supported by digital evidence found during the investigation. These records outlined cash collections and job placements. Furthermore, the investigation unveiled tampering in candidate marks, favouring those who paid bribes to the Petitioner/Accused No.2.

5. Through the modus operandi as explained above, Shri. V. Senthil Balaji, being a public servant has misused his official capacity as the then Transport Minister and obtained pecuniary advantage by corrupt and illegal means and directly acquired the proceeds of crime which was generated out of a criminal activity related to a scheduled offence, some of which he has laundered by depositing in his/family/associate bank accounts for use or projection as untainted money thereby he knowingly and actually involved in process or activity connected with the proceeds of crime and eventually committed the offence of money laundering. In this case, the charges were framed against Accused Shri. V. Senthil Balaji vide order dated 08.08.2024. Presently, the status of C.C. No. 9 of 2023 is at the stage of examination of prosecution witness.

6. The Petitioner/Accused No. 2 is the brother of Shri. V. Senthil Balaji and actively participated in the criminal scheme by collecting funds on behalf of Shri. V.Senthil Balaji. He further facilitated the investment and layering of these illicit funds. To aid the process of layering and laundering of proceeds of crime, he established fictitious enterprises. Substantial cash deposits have been observed in the bank accounts of the Petitioner/Accused No. 2 and Mrs. Nirmala. The Petitioner/Accused No. 2 is also involved in operating a sham entity under the name 'Apex A Traders' Moreover, he, along with Mrs. Anuradha Ramesh, engaged in the transfer of a high-value parcel of land (Karur NH property) at artificially low prices through a web of unaccounted cash transactions, thereby facilitating further layering of proceeds of crime. Additionally, the

Petitioner/Accused No. 2 was involved in the construction of a building on the aforesaid Karur NH property, which was acquired in the name of Mrs. Nirmala. The funds used for this construction originated from the Petitioner/Accused No. 2 and are of dubious origin. Thus, the Petitioner/Accused No. 2 has knowingly participated in the concealment, possession, and acquisition of proceeds of crime, and is directly involved in the offence of money laundering as defined under Section 3 of the Prevention of Money Laundering Act, 2002.

7. The Accused had not cooperated with the investigation and had failed to appear in person despite being summoned on multiple occasions for enquiry. Instead of appearing before the Investigating Authority, he has continuously evaded summons, demonstrating his non-cooperative attitude. A bare perusal of the typed set of papers filed along with the petition would reveal that the Petitioner/Accused No. 2 has not provided any concrete or specific details regarding the nature of the medical treatment he allegedly requires abroad. The Petitioner/Accused No.2 has also not disclosed as to why the treatment cannot be undertaken in India, nor has he explained the nature of the ailment, the exact procedure to be undergone, or the unavailability of such treatment within the country. Furthermore, the Petitioner/Accused No. 2 has only enclosed a travel visa and failed to furnish any travel itinerary indicating the proposed dates of departure and return. He has also failed to mention the name, state, city, or location of the hospital where the treatment is scheduled to take place, nor the name of the treating doctor. the

date of the procedure, or any documentary proof substantiating the course of treatment. Considering the conduct of the Petitioner/Accused No. 2, including his persistent non-cooperation with the investigation, failure to respond to multiple summons, and his attempt to travel abroad without furnishing proper details, there exists a grave apprehension that he is a Flight Risk. There is a every possibility that if the petitioner/Accused no.2 is allowed travel abroad, the Accused may abscond and not return to face the legal proceedings. The absence of any tangible assurance, coupled with the lack of transparency regarding his travel plans and medical treatment, only strengthens the likelihood of him evading the jurisdiction of this Court.

8. The present application appears to be an attempt by the Accused to circumvent and escape the due process of law. Permitting the Accused to travel abroad at this stage would frustrate the very object and purpose for which the Look Out Circular (LOC) that was issued against the Petitioner/Accused No.2 especially considering the seriousness of the offence and the active role played by him in the commission of the same. The proceeds of crime which is involved in the present ECIR, amounts to the value of Rs.67.74 Crores (approx.) which is detrimental to the economic interest of the people at large. Hence, prays to dismiss the petition.

9. Both side heard. Petition and counter are perused.

10. This court has given its thoughtful consideration to the rival submissions put forth by either side. The petitioner is arrayed as 2nd Accused in this case. Originally, the complaint was filed only as against Mr.V.Senthil Balaji, a former Minister of Tamil Nadu. The petitioner herein is the brother of the said Mr.V.Senthil Balaji. As per the case of the prosecution, the petitioner has actively participated in the criminal scheme by collecting funds on behalf of Mr.V.Senthil Balaji, the then Transport Minister. He further facilitated the investment and layering of these illicit funds. To aid the process of layering and laundering of proceeds of crime, he established fictitious enterprises. Substantial cash deposits have been observed in the bank accounts of the petitioner herein. Further, the petitioner has also involved in operating a sham entity under the name Apex A Traders. Further, he along with Mrs.Anuradha Ramesh engaged in the transfer of a high-value parcel of land at Karur NH property at artificially low prices through a web of unaccounted cash transactions, thereby facilitating further layering of proceeds of crime. Additionally, the petitioner herein was involved in the construction of a building on the aforesaid Karur NH property, which was acquired in the name of Mrs.Nirmala. The funds used for this construction originated from the petitioner herein and are of dubious nature. Thus, the petitioner has knowingly participated in the concealment, possession and acquisition of proceeds of crime and is directly involved in the offence of money laundering.

11. Though the supplementary complaint was taken on file by this court on 08.01.2025, the case is still in the stage of opening of case of prosecution on the supplementary complaint. It is true that the petitioner has appeared on summons issued by this court and executed a bond as directed by this court. However, it is brought to the notice of this court by the respondent / complainant that the petitioner herein has not co-operated for the investigation for about two years. He had evaded all the summons issued and has not appeared before the Enforcement Directorate for the purpose of investigation. Initially, the petitioner has sought time for appearance by stating one or other reason and subsequently, he has refused to appear on the ground that the documents were already furnished. Therefore, the respondent / complainant has issued a lookout circular and the same is still pending.

12. While the facts being so, it is the claim of the petitioner herein that he has Coronary Artery Disease and underwent a Coronary Angioplasty. The Coronary Angiogram done on 31.05.2025 in Apollo Hospital, Chennai, reveals that his health is deteriorating and therefore, his Doctors are of the opinion that considering his young age, he requires an advanced Cardio Treatment for his longevity life. According to the petitioner, it is now available only in USA. Therefore, the petitioner prays permission to take treatment at Mayo Clinic, Rochester, Minnesota, USA. However, on careful perusal of the documents produced by the petitioner herein, it is found that on 08.12.2021, he

had underwent a Coronary Angiogram and the final impression of the said CAG revealed Coronary Artery Disease - Right Dominant System, Two Vessel Disease, significant lad lesion by RFR, insignificant lcx lesion by RFR. Therefore, the petitioner was diagnosed as Coronary Artery Disease, Dyslipedimia/rest angina, Triple Vessel Disease (CT Angio) good left ventricular function. In connection with the same, he has underwent a Coronary Angioplasty on 08.12.2021 and a stent was deployed with good distal run off. Subsequently, the petitioner was admitted in Apollo Hospital on 06.06.2023 and discharged on 07.06.2023. The discharge summary records the condition of the petitioner at the time of discharge in a hemodynamically stable condition. The petitioner was advised to take diabetic diet in view of the fact that he is diagnosed as diabetes/dyslipidemia.

13. The Coronary Angiogram done to the petitioner in Apollo Hospital on 31.05.2025 revealed that Right Dominant System, Patent LAD Stent, Borderline LCX Disease – Insignificant slow Flow Noted. The Doctors have recommended optimal medical management along with aggressive lifestyle modifications. The discharge summary issued by the Apollo Hospital dated 31.05.2025 recorded the condition that the petitioner is hemodynamically stable and he was advised to take diabetic diet and to do regular exercise, brisk walking daily for 30 minutes. Apart from the above observations, nothing adverse was noted by the Doctors who treated the petitioner recently.

14. Though the petitioner in his petition claimed that his Doctors have advised him to take better treatment at USA, no such findings are available in the discharge summary. Further, as contended by the learned Special Public Prosecutor for Enforcement Directorate, due to advancement of medical science, Advanced medical treatments are available in Chennai and the Chennai became the hub for medical tourism, all the facilities to treat the petitioner is available in Chennai itself and there is no special reasons for the petitioner to go USA to get treatment for his disease. The learned Special Public Prosecutor has further submitted that the present petition is nothing but an attempt to delay the process of trial.

15. The learned counsel for the petitioner submitted that the law is now well settled that the right to travel abroad is also a fundamental right under Art.21 of the constitution of India as declared by the Hon'ble Apex Court in Menaka Gandhi Vs. Union of India. However, it is also well established that no fundamental right is absolute and they are subject to reasonable restrictions. Art.21 itself prescribes that the right of life and personal liberty is subject to the just, fair and reasonable procedure established by law. The previous conduct of the petitioner reveals that he has not co-operated for investigation and even in this court, the petitioner has appeared only twice and thereafter, continuously filing petitions under Section 317 Cr.P.C/355 BNSS seeking exemption of his personal appearance before this court. The case is at the stage of

opening of case by Special Public Prosecutor in the supplementary complaint and the petitioner need to be heard on the charges to be framed. Therefore, his presence is very much necessary for the progress of the Trial. The delay in Trial would adversely affect the right of speedy trial of other co Accused which is also another facet of Art.21 of the constitution of India.

16. Though the petitioner has a valid visa to visit USA, he has not produced any appointment he got from Mayo Clinic, Rochester, Minnesota, USA. Therefore, there is no proof for the claim that he will take treatment at USA for about 15 days and will be returned back immediately thereafter. Absolutely no materials placed before this court to show that the treatment required is not at all available in India. In the absence of any medical emergency that the petitioner need to get immediate treatment at USA, this court found no justifiable reason for according its permission to the petitioner to travel abroad.

17. Hence, this petition is dismissed.

Dictated to the Steno-typist, transcribe by him, corrected and pronounced by me in open court this the 9th day of July, 2025.

KARTHIKEYAN SHANMUGAM

Digitally signed by KARTHIKEYAN SHANMUGAM

Principal Sessions Judge.