

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

Crl.MC.No. 4113 of 2015

**ORDER DTD.18.6.2015 IN CMP.95/2015 IN CC 34/2014 OF SPECIAL JUDGE
(SPE/CBI) - III, ERNAKULAM**
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PETITIONER(S)/ACCUSED NO.4:

**RAJESH B.MENON,
S/O LATE BHASKARA MENON, RESIDING AT JAYAGOVINDAM,
BEHIND ANAKKAL TEMPLE, MOOZHI ROAD, KODANAD,
ERNAKULAM.**

BY ADV. SRI.SREEJITH S.NAIR

RESPONDENT(S)/COMPLAINANT:

**CENTRAL BUREAU OF INVESTIGATION,
SPECIAL CRIMES BRANCH-KOCHI UNIT,
REPRESENTED BY STANDING COUNSEL
FOR CENTRAL BUREAU OF INVESTIGATION,
HIGH COURT OF KERALA, KOCHI-682 031.**

BY ADV. SRI.P.CHANDRASEKHARA PILLAI, C.B.I.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
20-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 4113 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1: CERTIFIED COPY OF THE ORDER IN C.M.P.NO.95/2015 IN C.C.34/2014
OF THE SPECIAL JUDGE (SPE/CBI)-III, ERNAKULAM DATED 19.6.2015.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C.No.4113 of 2015

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Dated this the 20th day of July, 2015

ORDER

The limited prayer made by the petitioner is an order from this Court to direct the deletion of impugned condition No.1 from Annexure A1 order rendered on 18/06/2015 on CMP No.95/2015 in CC No.34/2014 on the file of Court of the Special Judge (SPE/CBI)-III, Ernakulam. Petitioner who is accused No.4 in C.C.No.34/2014 on the file of the above said court, which is prosecuted by the CBI before the aforestated court sought permission from the court below to travel abroad to Nairobi in Africa for a short limited period. The said permission was granted as per Annexure A1 order subjected to the following conditions:

- “i. The accused shall deposit cash security of Rs.1,50,000 (Rupees One Lakh and Fifty Thousand only) before this court.
- ii. The accused shall execute a bond for Rs.2,00,000/- (Rupees Two lakhs only) with one solvent surety and the surety shall produce the title deed or the certified copy of the title deed of his or her property.
- iii. The accused shall produce the iterinary details of his journey.
- iv. The passport shall be surrendered back to this Court after

the return of the petitioner from Nairobi.”

2. The limited prayer now been made is that the impugned condition is hard and onerous and may be deleted by this Court in the interest of justice as the petitioner proposes to go to travel to Nairobi only for a limited period of 2–3 weeks. It is pointed out by the learned counsel for the petitioner that in view of the pendency of the above said crime, the petitioner's business transactions has been severely affected and that his income level is substantially low and that it could be impossible for him to raise the travel expenses to Nairobi if the impugned condition is allowed to stand.

3. Heard. Sri.Sreejith S Nair, learned counsel for the petitioner and Sri.P. Chandrasekhara Pillai learned Standing Counsel for the respondent CBI. After hearing both sides, this Court is of the considered opinion that the prayer made by the petitioner could be considered in the interest of justice as the petitioner undertakes that the present journey is only for a short period of 2–3 weeks and that he would comply with all the other conditions. Accordingly the impugned condition directing the petitioner to deposit cash security of Rs.1.5 Lakhs shall stand deleted. However the petitioner shall file an affidavit before the court below that he would return back to

India within a outer time limit of 3 weeks after the date of departure from India and that he would surrender his passport forthwith before the court below after returning to the country.

With these observations and directions the Crl.M.C.stands finally disposed of.

Sd/- ALEXANDER THOMAS, JUDGE

MJL

