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Crl.M.P.Nos.14614 of 2023
in Crl.O.P.No.8834 of 2023

A.D.JAGADISH CHANDIRA,J.

This petition has been filed seeking to modify condition (c) imposed by this Court in Crl.O.P.No.8834 of 2023 dated 05.05.2023 and direct the learned District and Sessions Judge, Special Court of PMLA Cases, Chennai / Principal Judge, City Civil Court, Chennai to return the passport of the petitioner deposited in ECIR/CEZO-1/17/2020 on the file of the respondent.

2. Mr.Sathish Parasaran, the learned Senior Counsel appearing for the petitioner would submit that the petitioner is arrayed as A4 in ECIR/CEZO-I/17/2020 registered by the respondent for the offence under Sections 3 and 4 of the PMLA Act. The petitioner had filed an application for bail in Crl.O.P.No.8834 of 2023 and this Court by order dated 05.05.2023 had granted bail to the petitioner imposing certain conditions. One of the conditions imposed was that the petitioner shall deposit the passport and travel documents before the trial Court. The petitioner had duly complied with the conditions imposed on him and he was released on bail and later some of the conditions were also relaxed. He would submit that the petitioner



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is a Singapore Citizen, holding passport bearing No. K2344758P and the petitioner is also a permanent resident of United States of America having been granted PR Card USCIS#087-496-406 under category E-18. The learned counsel would further submit that the petitioner is a Promotor of M/s.Securecloud Technologies Limited (formerly known as M/s,8K Miles Software Limited) Indian Company and the petitioner is also a Promotor of M/s.Healthcare Triangle Inc A NASDAQ listed corporation in the USA. The petitioner is still holding employment in USA in the above company through the permanent residency and the petitioner's parents, wife and children are also permanent resident of USA. The petitioner had promoted M/s. M/s.Securecloud Technologies Limited and based on a complaint given by him, a case in Crime No.282 of 2019 came to be registered by the CCB – Chennai. While so, the petitioner was issued with a summon dated 02.09.2022 by Enforcement Directorate to appear before them and in response to the said summon issued to him, the petitioner had travelled to India on 07.10.2022 and he had appeared before the Investigating Officer on 13.10.2022. Subsequently, the petitioner had also appeared before the Enforcement Directorate on various dates and the petitioner was arrested on 24.03.2022 in connection with the case registered by the respondent and later



he has been granted bail. He would submit that from October 2022 the petitioner is in India and since the petitioner holds a permanent resident status, Rules require that the petitioner has to be present before the Immigration Authorities in USA to extend his permanent residency status and he should appear before the Immigration authorities on or before 02.10.2022 for validation. Apart from validating permanent resident status, the petitioner also has to take care of his age old parents, who are living in U.S.A., as permanent residents and has to attend the marriage of his son, which is fixed on 08.12.2023 at USA. The learned Senior Counsel would submit that the petitioner undertakes to return to India after the marriage of his son and to surrender his passport before the trial Court. Since the passport is now in the custody of the trial Court, the petitioner is unable to travel and thereby the present petition has been filed. He would submit that pursuant to the conditions imposed, the petitioner had already deposited original title deeds of immovable property worth Rs.2 crores, as security and two of his relatives have offered surety to him. He would submit that even thereafter, the petitioner had been regularly complying with the condition before the respondent and later the condition has been modified by this Court.



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2.1 Meanwhile, the case in respect of the predicate offence has also been quashed by this Court in Crl.O.P.No.18075 of 2023 dated 10.05.2023 and in view of the quashment of the FIR, the ECIR has also become infructuous and for no reason and valid purpose the petitioner is constrained to stay in India and thereby the petitioner seeks for modification of condition and for return of passport and to travel abroad. The petitioner is also ready to furnish sufficient security for return of passport and he also undertakes that he is ready to furnish details of his travel and also his address in USA and furnish the Mobile Number and Email ID. He would submit that the petitioner undertakes to return to India, after the marriage of this son and surrender the passport before the concerned Court. Thereby seeks for modification of condition to return of passport.

3. The respondent has filed detailed counter. The main objection is extracted hereunder: -

“5.6. The said proceeds of crime are parked in USA and UAE based entities belonging to the petitioner herein and in the event of him travelling to USA, there are likely strong chances of the evidence being destroyed and the presence of the petitioner may not be secured once he flies out



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of India. He has been debarred by Securities and Exchange Control Board of India to participate in the affairs of the Indian listed company and as such his chances of returning to India to face the legal process is scant. Therefore, the petitioner is a flight risk, threat to safety of evidences in USA and UAE and presence of whom cannot be secured once he flies out of India.”

4. Mr.Sidharthan, learned Special Public Prosecutor appearing for the respondent would submit that though the case in respect of the predicate offence has been quashed, the respondent has intended to file SLP against the quashment of FIR. He would submit that the case in respect of the predicate offence came to be quashed only based on a compromise between the petitioner and the other accused. He would submit that it is the case of money laundering and the petitioner had for oblique reasons compromised the matter with the other accused and that the investigation in respect of money laundering is still pending. The petitioner has directly and knowingly indulged in process / activity connected with proceeds of crime and there is ample evidence to show that the petitioner has committed an offence under Section 3 of the PMLA Act punishable under Section 4 of the PMLA Act. He would further submit that as per the investigation, the proceeds of crime



are parked in USA and UAE based entities belonging to the petitioner and in the event of travelling to USA, there are likely strong chances of the evidence being destroyed and the presence of the petitioner may not be secured once he flies out of India.

4.1 He further submitted that the petitioner has been debarred by SEBI to participate in the Key Managerial Personnel in a listed company or an intermediary registered with SEBI and as such, his chances of returning to India to face the legal process is scant and thereby would seek for dismissal of the petition.

5. The learned Senior Counsel for the petitioner would submit that the petitioner undertakes that he would not tamper with the evidence and he undertakes that he will return back to India after validating his PR Status and the marriage of his son and his paternal uncle, Mr.A.Parthasarathy who is an Indian citizen, along with another person is ready to offer surety to him.

6. Heard.

7. The petition has been filed seeking to modify the bail



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condition and return the passport to enable the petitioner to travel abroad (USA) to validate his permanent residency status, visit his aged parents and also to attend his son's wedding which is fixed on 08.12.2023. The petitioner had filed an affidavit stating that he would be returning back to India after travel to USA and return passport before the trial Court within the time frame fixed by this Court. The petitioner has also offered to furnish fresh sureties for return of passport and comply with further conditions.

8. Taking into consideration, the submissions made by either counsel and also the affidavit of undertaking filed, the condition (c) imposed in CrI.O.P.No.8834 of 2023 is modified. The learned District and Session Judge, Special Court for PMLA Cases, Chennai is directed to return passport of the petitioner subject to the following conditions: -

i) the petitioner shall furnish two sureties who shall execute a bond for Rs.50,000/- each. Out of which, one surety shall be the paternal uncle of the petitioner (Mr.A.Parthasarathy).

ii). the petitioner shall furnish details of travel and the address in USA along with his mobile number and Email Id to the respondent.



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iii). The petitioner shall return back to India on or before 15.12.2023. In the event of the petitioner travelling out of USA, he shall intimate the same to the respondent by Email and in the event of requirement of the petitioner for enquiry, he shall send his reply through Email with the respondent.

9. With the above modifications, the petition stands allowed.

27.09.2023

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Note: Issue order copy on 27.09.2023



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