

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
Friday, the 26th day of August 2022 / 4th Bhadra, 1944
BAIL APPL. NO. 5921 OF 2022
CRIME NO.32/2020 OF ENFORCEMENT DIRECTORATE KOCHI, Ernakulam**

Bail Appl. 7709/2021 OF HIGH COURT OF KERALA, ERNAKULAM

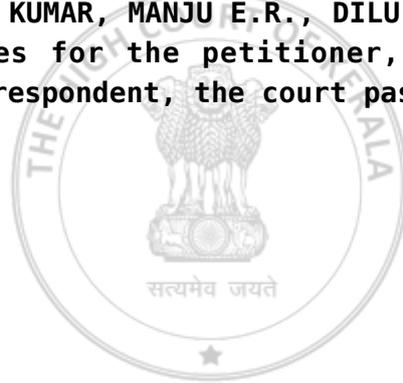
PETITIONER/ACCUSED NO.1:

**THOMAS DANIEL, AGED 65 YEARS, INCHIKATTIL HOUSE, P.O. VAKAYAR,
KONNI, PATHANAMTHITTA, PIN - 686698**

RESPONDENT/COMPLAINANT:

**ENFORCEMENT DIRECTORATE, REPRESENTED BY ITS DEPUTY DIRECTOR,
DIRECTORATE OF ENFORCEMENT, GOVERNMENT OF INDIA, MINISTRY OF
FINANCE, DEPARTMENT OF REVENUE, ERNAKULAM, PIN - 682011**

This Bail application coming on for orders upon perusing the petition and upon hearing the arguments of M/S C.S.MANU, C.A.ANUPAMAN, T.B.SIVAPRASAD, C.Y.VIJAY KUMAR, MANJU E.R., DILU JOSEPH, ANANDHU SATHEESH & ALINT JOSEPH, Advocates for the petitioner, and JAISHANKAR V.NAIR, STANDING COUNSEL for the respondent, the court passed the following:



BECHU KURIAN THOMAS, J.
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Bail Application No.5921 of 2022

Dated this the 26th day of August, 2022

ORDER

Petitioner is facing an indictment for the offence under Section 4 of the Prevention of Money Laundering Act, 2002 and Section 406, 420 read with Section 34 of the Indian Penal Code, 1860. Petitioner is the 1st accused and he was arrested on 09.08.2022 and has been in custody since then.

2. During the course of hearing of this bail application, learned Counsel for the petitioner pointed out that the petitioner is in illegal detention from 09.08.2022 onwards. Learned Counsel invited my attention to the order of the Special Court, Ernakulam in SC No.392/2022 dated 05.07.2022 as follows:

'A1 is produced through VC and remanded till 09.08.2022'.

Thus the petitioner was remanded only till 09.08.2022 by orders of the Special Court.

3. However, on 09.08.2022, the State Government declared a holiday and consequently, the Hon'ble High Court of Kerala also

declared the said date to be a holiday for all the courts in the State. Incidentally 08.08.2022, which was the earlier notified holiday, was declared as a working day.

4. SC No.392/2022 was by notification adjourned to 19.09.2022. The proceedings of the Special Court does not reflect any order extending the remand of the 1st accused in the said case, and instead, the next hearing date alone is notified as 19.09.2022. The proceedings of the Special Court as available from the e-courts website reveals that no orders have been issued by the Special Court extending the remand of the accused in SC No.392/2022 beyond 09.08.2022. Obviously, the Directorate of Enforcement did not produce the petitioner before the Court nor sought any orders for extending the remand

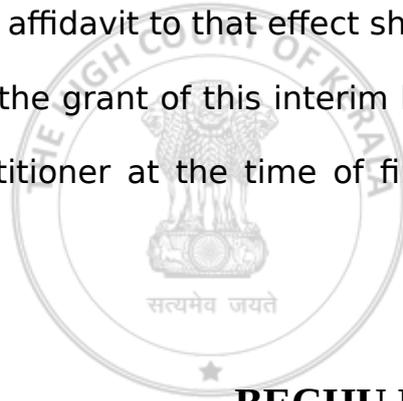
In such circumstances, the continued detention of the petitioner from 09.08.2022 is per se illegal, without authority of law. Hence the accused is liable to be released forthwith. Accordingly, petitioner shall be released on interim bail on the following conditions:

- i) Petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for

the likesum to the satisfaction of the Special Court, Ernakulam.

- ii) Petitioner shall appear before the Sessions Court on every posting date without fail.
- iii) Petitioner shall not commit any similar offences, during the pendency of the trial.
- iv) Petitioner shall surrender his passport before the Special Court, and if already surrendered to the Investigating Officer, an affidavit to that effect shall be filed.

It is clarified that the grant of this interim bail shall not enure any benefit to the petitioner at the time of final hearing of this bail application.



**BECHU KURIAN THOMAS
JUDGE**

jm/