

K. S. Abdulla

Vs

Asstt. Director of Enforcement Directorate, Calicut

Criminal Appeal No. 4 of 1987 (Arising out of SLP (Cri) No. 2912 of 1986)

(Ranganath Misra, M. M. DuttJJ)

07.01.1987

ORDER

1. Special leave granted. We have heard Mr. P. H. Parekh learned counsel for the appellant and Mr. G. Ramaswamy, Additional Solicitor General for the respondent.

2. The appellant is permitted to go abroad subject to the following conditions :

(1) The appellant will furnish a bank guarantee of Rs. 10 lakhs (Rs. Ten lakhs) of a Nationalised Bank in favour of the Asstt. Director of Enforcement, Calicut, within 4 weeks from today after which the passport will be released.

(2) The appellant is permitted to leave India to visit any of the countries in the Middle East, including Saudi Arabia for a period of two months from the time the appellant leaves India.

(3) The appellant will furnish the itinerary of his tour programme to the Assistant Director of Enforcement, Calicut, before leaving India.

(4) The appellant's wife, Mrs. Beepathumma, aged 41 years and his children, namely :

(i) Mariyam (daughter) aged 22 years, married.

(ii) Hajara (daughter) aged 20 years, married.

(iii) Hannefabi (daughter) aged 18 years, married.

(iv) Misiriya (daughter) aged 14 years, unmarried.

(v) Abdul Rehman (son) aged 7 years.

(vi) Mohamad Sadat (son) aged 5 years.

(vii) Kairunnisha (daughter) aged 4 years.

will not leave India without the permission of the Magistrate, till the appellant returns to India.

(5) The appellant will not dispose of and/or alienate any of his immovable properties, except for the purpose of raising bank guarantee of Rs. 10 lakhs till he returns from abroad.

(6) On the return from the foreign tour within a period of two months, the appellant will surrender his passport to the Assistant Director of Enforcement, Calicut. On the appellant returning to India and handing over the passport to the Assistant Director of Enforcement, the bank guarantee will be returned to the appellant. If the appellant does not return within two months Rs. 10 lakhs will be forfeited.

(7) On his return from abroad, the appellant will join in the investigations, as and when required.

(8) In the case the appellant desires to go abroad in future after his return, he shall have to take prior approval of the Chief Judicial Magistrate.

(9) The present order is passed without prejudice to the rights and obligations of both the parties.

3. The appeal is disposed of accordingly.

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