



2025:KER:67690

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 11TH DAY OF SEPTEMBER 2025 / 20TH BHADRA, 1947

CRL.MC NO. 7955 OF 2025

CRIME NO.449/2025 OF MARADU POLICE STATION, Ernakulam

THE ORDER/JUDGMENT DATED 01.09.2025 IN CRMP NO.2478
OF 2025 OF JUDICIAL FIRST CLASS MAGISTRATE - VIII,
ERNAKULAM

PETITIONERS:

1 SHAWN ANTHONY
AGED 31 YEARS
S/O K.J ANTONY,
KAKKITHARA HOUSE, 146A,
ARAMANA LANE, CHITTOOR ROAD,
VADUTHALA, ERNAKULAM,
PIN - 682023

2 SOUBIN SHAHIR
AGED 41 YEARS
S/O BABU SHAHIR,
ALANGAT HOUSE
HOUSE NO. 43/2302E,
SRM ROAD, ERNAKULAM NORTH,
ERNAKULAM, PIN - 682018

BY ADVS.
SRI.THOMAS J.ANAKKALLUNKAL
SMT.ANUPA ANNA JOSE KANDOTH
SHRI.JAYARAMAN S.
SMT. DHANYA SUNNY
SMT. ANN MILKA GEORGE



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RESPONDENT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031

OTHER PRESENT:

SRI. M.C. ASHI, SR.PP.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 09.09.2025, THE COURT ON 11.09.202 PASSED THE
FOLLOWING:



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V.G.ARUN, J

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Crl.M.C.No.7955 of 2025

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Dated this the 11th day of September, 2025

ORDER

The petitioners are accused Nos.1 and 2 in Crime No.449 of 2024 registered at the Maradu Police Station for offences punishable under Sections 120B, 406, 420 and 468 read with Section 34 of IPC. The crime is registered on the allegation that, after inducing the de facto complainant to invest Rs.7 crores in the production of a movie named 'Manjummal Boys' by promising 40% of the profit generated from the movie, the accused failed to pay the percentage of the profit as promised and thereby caused a loss of Rs.47 crores to the de facto complainant.

2. By Annexure A2 order dated 26.06.2025, this Court allowed the application for pre-arrest bail submitted by the



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petitioners and the 3rd accused on the following conditions;

“(a) Petitioners shall appear before the Investigating Officer on 07.07.2025 from 10.00 am to 05.00 pm, and if required, again on 08.07.2025 from 10.00 am to 05.00 pm and shall subject themselves to interrogation.

(b) If after interrogation, the Investigating Officer proposes to arrest the petitioners, then, they shall be released on bail on them executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum before the Investigating Officer.

(c) Petitioners shall appear before the Investigating Officer as and when required and shall also co-operate with the investigation.

(d) Petitioners shall not intimidate or attempt to influence the witnesses; nor shall they tamper with the evidence.

(e) Petitioner shall not commit any similar offences while they are on bail.

(f) Petitioners shall not leave India without the permission of the Court having jurisdiction.”

3. The petitioners later moved an application before the jurisdictional court seeking modification of condition No.(f) above. The reason for seeking modification was the invitation received by the petitioners to attend the award ceremony



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organised by the South Indian International Movie Awards (SIIMA) at Dubai from 06.09.2025 to 08.09.2025. The petitioners were invited since their movie, 'Manjummal Boys', had been nominated for the Best Movie Award. The jurisdictional Magistrate having dismissed the application for modification, this Crl.M.C is filed.

4. Advocate Thomas J Aanakkallunkal, the learned counsel appearing for the petitioners, submitted that by rejecting the application for modification, the Magistrate denied the petitioners an opportunity to participate in an international event in which their work of art is being appreciated. According to the counsel, the finding in the impugned order that the petitioners are not cooperating with the investigation is factually incorrect. It is submitted that in compliance of the direction in Annexure A2 order, the petitioners appeared before the Investigating Officer on 07.07.2025 and 08.07.2025, and were interrogated. The Investigating Officer never required the petitioners to appear before him thereafter. The allegation that



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the petitioners are influential persons and may tamper with the evidence are made with the sole intention of denying them the opportunity to participate in a prestigious event. It is submitted that the petitioners are willing to provide their detailed itinerary, their contact details and furnish an undertaking that they will appear before the jurisdictional court immediately on return. Reliance is placed on the decision of the Apex Court in **Satish Chandra Verma v. Union of India and Others** [2019 KHC 7714] to contend that the right to travel abroad is an important basic human right which nourishes the independent and self determining creative character of the individual.

5. Advocate M.C.Ashi, the learned Public Prosecutor submitted that some of the witnesses to be questioned are residing abroad and if the petitioners are permitted to travel to Dubai, there is every possibility of those witnesses being influenced.

6. Advocate Saiby Jose Kidangoor appearing for the de



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facto complainant submitted that the distributor of the film is residing in the U.A.E and the possibility of the petitioners conspiring with that person and sabotaging the ongoing investigation cannot be ruled out. The counsel also submitted that around Rs.30 crores generated from the movie is parked in U.A.E and once the accused reaches Dubai, they will cause disappearance of that money. It is contended that this Court having left it for the jurisdictional court to decide whether the petitioners can be permitted to leave India and the learned Magistrate having declined the permission by a well considered order, no interference is warranted in exercise of this Court's inherent power.

7. Admittedly, the prayer for modification was made for participating in the SIIMA Awards Ceremony being held at Dubai from 06.09.2025 to 08.09.2025. The air tickets produced by the petitioners also reveal that they had planned to return on the 9th and 10th of September, 2025. The purpose for the visit and the date for return being over, the basis for seeking



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modification does not subsist. Even otherwise, I find the learned Magistrate to have taken all relevant factors into consideration while deciding to reject the prayer. Even if the finding that the petitioners are not co-operating with the investigation is factually incorrect, fact that some of the witnesses are in Dubai and the allegation that a portion of the money generated from the movie is stashed in the U.A.E., are sufficient reasons for denying permission to travel to that country.

For the aforementioned reasons, the Crl.M.C is dismissed.

sd/-

V.G.ARUN, JUDGE

sj



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APPENDIX OF CRL.MC 7955/2025

PETITIONER ANNEXURES

Annexure A1	TRUE COPY OF THE INVESTMENT AGREEMENT DATED 30.11.2022
Annexure A2	TRUE COPY OF THE BAIL ORDER IN BAIL APPLICATION NO. 7487/2025 DATED 26.06.2025
Annexure A3	TRUE COPY OF THE FINAL ORDER IN SLP CRL NO. 9631/2025 DATED 28.07.2025 BEFORE THE HON'BLE SUPREME COURT OF INDIA
Annexure A4	TRUE COPY OF THE INVITATION LETTER TO THE SIIMA FILM AWARDS DATED NIL
Annexure A5	TRUE COPY OF THE E-COURT STATUS OF CRL.MP NO. 2478/2025, ON THE FILES OF JUDICIAL FIRST-CLASS MAGISTRATE COURT VIII, ERNAKULAM, DATED 01.09.2025
Annexure A6	CERTIFIED COPY OF THE DISMISSAL ORDER IN CRL.MP NO. 2478/2025 BEFORE THE JUDICIAL FIRST-CLASS MAGISTRATE COURT VIII, ERNAKULAM
Annexure A7	TRUE COPY OF THE FLIGHT TICKET OF THE 1ST PETITIONER, ON EMIRATES AIR SERVICE IN BOOKING REFERENCE NO: J5ESGF
Annexure A8	TRUE COPY OF THE FLIGHT TICKET OF THE 2ND PETITIONER, ON EMIRATES AIR SERVICE IN PNR NO: GP5KCS