

Directorate of Enforcement  
Represented by its Deputy Director  
Govt. of India, Ministry of Finance,  
Department of Revenue,  
Bengaluru

...Applicant/Investigating Officer

Vs.

Shri Bineesh Kodiyeri,

... Accused person

**HUMBLY FILING APPLICATION UNDER SECTION 19 R/W SECTION 65 OF  
THE PREVENTION OF MONEY LAUNDERING ACT, 2002.**

**MOST RESPECTFULLY SHOEWTH:**

1. I Rahul Sinha, working as Deputy Director in the Directorate of Enforcement, Bengaluru, filing this application in the capacity of the Investigating Officer. I am authorized to investigate cases under Section 48 & 49 of the Prevention of Money Laundering Act 2002 (herein after referred to as PMLA or the Act for the sake of brevity) r/w Government of India Notification vide No. 441(E) dated 01.07.2005. It is humbly submitted that the Applicant is authorized to carry out the investigation by virtue of Section 2(1)(na) of the Act.

It is respectfully submitted that the applicant Department is the sole investigation agency under the Act and the main objects of the Act are to confiscate the properties involved in money laundering under Chapter III

of the Act and also to punish the offenders of money laundering under Chapter II of the PMLA.

3. It is humbly submitted that The Directorate of Enforcement was established in the year 1956 with its Headquarters at New Delhi. The Applicant Department is authorized for enforcement of the PMLA and the Foreign Exchange Management Act, 1999 (FEMA). The Directorate is under the administrative control of the Department of Revenue for operational purposes of PMLA and FEMA.
  4. It is humbly submitted that the Narcotics Control Bureau, Bengaluru registered a case vide F.No. 48/1/14/2020/BZU dated 22.08.2020 u/s 22, 27A, 28 and 29 of NDPS Act, 1985 against Mr. Mohammed Anoop and others.
  5. It is humbly submitted that the offence under Section 22 & 27A of NDPS Act, 1985 are the scheduled offences under Section 2(1)(x) & (y) of the PMLA. The said offences were examined by the Applicant Department and came into conclusion that there appears to be a prima facie case for offence of money laundering under Section 3 of the PMLA punishable under Section 4 of the Act. Hence, the Directorate of Enforcement has recorded Enforcement Case Information Report in ECIR No. BGZO/32/2020 on 09.09.2020 and initiated investigation under the PMLA to achieve the above objects of the Act.
  6. It is humbly submitted that, earlier, Shri Mohammed Anoop, a drug peddler, and prime accused in the aforementioned NCB case, was arrested by ED on 17.10.2020 and during his custodial interrogation, he inter-alia admitted that he was indulging in sale and purchase of narcotics drugs and was closely associated with Bineesh Kodiyeri. It is also revealed that he held various bank accounts and indulged in transferring/layering of huge proceeds of crime into various accounts. Fund trail investigation also established that huge amount of unaccounted funds were being regularly credited into his accounts by Bineesh Kodiyeri. Mr Bineesh Kodiyeri was arrested u/s 19 of the PMLA on 29.10.2020, and on the prayer of the ED, this Hon'ble Court granted ED custody of Mr Bineesh Kodiyeri from 29.10.2020 till 02.11.2020, 1700 hrs.
- It is humbly submitted that during the custodial



the instructions of Bineesh Kodyeri who had paid huge amounts of unaccounted money to Mohammed Anoop. On verification of bank accounts of Bineesh Kodyeri, huge amounts of cash were seen deposited in his bank accounts especially IDBI Bank bearing account no. 1154104000000754 and 1154104000000745, HDFC bank bearing account no. 50100190259640 etc. Mr Bineesh Kodyeri has not given any satisfactory reply about the source of such huge cash deposits in his accounts. The deposits are not commensurate with the Income Tax Returns filed in the relevant years. It is established that these huge cash deposits are nothing but the proceeds of crime generated from dealing in narcotics drugs as defined u/s 2(1)(u) of the PMLA. The huge difference between cash deposits in his bank accounts and the declared income as per his ITR's is tabulated below:

Sl No	Financial year	Cash deposits (in Rs.)	Declared Income as per ITR (in Rs.)
1	2012-13	5,106,000	672,339
2	2013-14	6,566,000	536,035
3	2014-15	5,355,000	535,957
4	2015-16	5,629,000	4,978,509
5	2016-17	11,899,000	2,538,802
6	2017-18	11,692,600	1,629,954
7	2018-19	5,489,000	1,320,637

Communications have been made with the respective banks to furnish the copies of cash deposit slips and corresponding details of signatory. Due to the continuous holidays between 29.10.2020 up to 01.11.2020, these details are expected from the Banks this week. Due to huge number of transactions (approx 10,000 line items) further custody of Shri Bineesh Kodyeri is required to analyse these line items and to gather details from various banks and to confront Mr Bineesh with the new details which are awaited from the Banks.

8. It is humbly submitted that further, Shri Bineesh Kodyeri stated that the money transferred to Mohammed Anoop was sourced from the loan taken in his partnership firm M/s Old Coffee House's name from Punjab National bank, Trivandrum, which is against the mortgage of his mother-in-law's immovable property. However, on analysis of bank accounts, it is seen that the cash were deposited immediately in the accounts of Shri Bineesh Kodyeri before fund transfer to Mohammed

activities related to drug peddling on the behest of Shri Bineesh Kodyeri. It is required to be examined from banks regarding the loan taken by the said partnership firm and its use.

9. It is humbly submitted that as per investigation during ED custody of Shri Bineesh Kodyeri, the names of two benami companies emerged viz. Rianha Event Management Pvt Ltd, registered under ROC Ernakulum, Kerala and Yoush Events Management & Productions Pvt Ltd, registered under ROC Bengaluru, Karnataka, which are suspected to be managed and controlled by Shri Bineesh Kodyeri. The current directors of these companies are 1. J Mohammed Anoop, who has already accepted that he is working for Shri Bineesh Kodyeri and 2.) Shri Rijesh Ravindran. It is alleged that huge money laundering activities has been taking place in these two companies, which is managed by Bineesh Kodyeri. Details of the said companies have been sought from the ROC and banks and the replies are awaited. It is necessary to confront Mr Bineesh with these details and to record his further statement.

10. It is humbly submitted that the statement of Shri Suhas Krishnegowda was recorded on 30.10.2020 u/s 50(3) of the PMLA of wherein he stated that Shri Bineesh Kodyeri has consumed illegal drugs namely cocaine and that Shri Bineesh Kodyeri used finance Shri Mohammed Anoop in his illegal drug peddling business. He also stated that one Shri Sonet Lobo was close friend of Mohammed Anoop and he is also aware of the same fact. Subsequently statement of Shri Sonet Lobo was recorded u/s 50(3) of the Act who interalia also confirmed that Bineesh Kodyeri consumed cocaine along with Shri Mohammed Anoop and others and was involved in financing illegal drug.

11. It is humbly submitted, that Shri Bineesh Kodyeri also revealed that he was settled in Dubai from the year 2008 to 2013 and also enjoyed the status of NRI for the said period. During his tenure in Dubai he was also involved in a bank fraud case there. It is suspected that during his tenure in Dubai he was involved in money laundering and the same need to be investigated.



12. It is humbly submitted that it was revealed during investigation that one Shri Abdul Latheef is a Benimadar of Bineesh Kodiyeri and is also a partner in his restaurant Old Coffee House. The said Shri Abdul Latheef is also accused in Kerala Gold smuggling scam. From the investigation done so far, it is clear that the modus operandi of Mr Bineesh Kodiyeri is to have many benimadars and to create assets in their names to avoid detection. Names of benimadar Al-Jassam Abdul Jabbar owning high end cars for the benefit of Mr Bineesh Kodiyeri has emerged. Also, Abdul Latheef is supposed to be holding assets in which narcotics money of Mr Bineesh Kodiyeri has been invested. ED is investigating and trying to gather financial details of M/s UAFX Solutions, M/s Car Palaces, M/s Capito Lights, M/s KK Rocks Quarry etc. The statement u/s 50(3) of Shri Abdul Latheef is necessary to gather the evidences regarding the illegal activities and proceeds of crime. however, he has submitted that he is under home quarantine and his mother is COVID-19 positive and he will appear before ED after 2.11.2020. It is essential to confront Mr Bineesh Kodiyeri with Mr Abdul Latheef and the records of these businesses.

13. It is also submitted the digital evidences have been recovered from Bineesh Kodiyeri and Mohammed Anoop's devices and its collation and analysis is required for gathering evidences in the instant case. Further, the summons u/s 50(2) has been issued to one Shri Rasheed who has done financial transaction with Shri Mohammed Anoop w.r.t the partnership in Hayaat Restaurant. It is suspected that the said transaction was done by Shri Mohammed Anoop on behalf of Shri Bineesh Kodiyeri. The statement of Shri Rasheed is essential to gather evidences in the instant case and therefore, further custody of the accused herein is required.

14. It is also submitted that the accused is not co-operative during the PMLA investigation and not divulging the details of the entire laundered money while deposing the statement U/s 50 (3) of the PMLA and the accused has been adopting evasive tactics on medical reasons and not co-operating with the investigation. The applicant has sufficient records believe that the accused herein has been guilty of offence of money laundering u/s 3 and punishable...

the paucity of time, ED could not carry out any detailed investigation in the state of Kerala from where large sums of cash are being layered into the accounts of Mr Mohammed Anoop and other benami businesses are being started in the name of other benamis of Mr Bineesh Kodyeri.

15. It is humbly submitted that to safeguard the entire proceeds of crime involved in money laundering which is in his possession and his associates, the applicant department invoked Section 19(1) of the PMLA and arrested Mr. Bineesh Kodyeri on 29.10.2020 at 1415 hrs. While arresting him, the applicant department complied all legal formalities as laid down by the Hon'ble Supreme Court in the case of DK Basu. Arrest memo has been served along with the Grounds of Arrest (copy furnished) and the medical examination has also been done, the copy of the same is also furnished.

16. It is humbly submitted that to unearth/trace the entire proceeds of crime in the form of properties, which are generated by the accused herein by way of dealing of illegal drugs, it is essential to seek further custody of the accused to know about the details of the properties acquired etc and investments made out of the proceeds of crime and also the details of persons assisted him in placement/layering and integration of money laundering. The custody would enable to unearth the diversion and the end use of the Proceeds of Crime acquired by the Accused herein and also in detection of placement and layering of the Proceeds of Crime. The further grounds of seeking extension are as under :

1. that the objects of the PMLA shall be defeated, as the objects of the Act are to punish the offenders of Money Laundering under Chapter II of the PMLA and to confiscate the properties involved in Money Laundering under Chapter III of the Act.  
where voluminous documents have been recovered and the arrestee is to be interrogated on the same,  
where more property being proceeds of crime is to be ascertained and identified by the arrestee;  
where the arrestee has to be confronted with other accused person(s) and witness(es);



- v. where the arrestee is non cooperative.
- vi. that the arrestee may tamper with documents,
- vii. that the arrestee may intimidate witnesses,
- viii. that the arrestee may flee the country to avoid investigation,
- ix. that the arrestee may repeat the offence of money laundering ,
- x. that the arrestee may abscond,
- xi. that the arrestee may dispose off/transfer the property.

**PRAYER**

The further custody would enable the Department to pursue the ongoing investigations unhampered, under the PMLA, in the interest of justice.

On the above grounds, it is therefore humbly prayed that this Hon'ble Court may graciously be pleased to remand the accused Shri Bineesh Kodyeri S/o Shri Kodyeri Balakrishnan and permit to take him to the enforcement custody for 10 days for interrogation and pass such orders in the interest of justice.

On these above grounds the accused is required for ED custody for a period of 10 days .

I hereby produce the Accused before this Hon'ble Court as directed by the Hon'ble Court ,after due process of law ,please