



2025:KER:27411

Crl.A. No.388 of 2025

:1:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR. JUSTICE P. V. BALAKRISHNAN

WEDNESDAY, THE 2<sup>ND</sup> DAY OF APRIL 2025 / 12TH CHAITHRA, 1947

CRL.A NO. 388 OF 2025

AGAINST THE ORDER DATED 18.12.2024 IN CRMP 391/2024 IN SC  
NO.2 OF 2023 OF SPECIAL COURT FOR TRIAL OF NIA CASES,  
ERNAKULAM

APPELLANTS/PETITIONERS/ACCUSED NOS. 62 & 63:

- 1        SHEFEEK  
          AGED 34 YEARS  
          S/O. SHIHABUDHEEN, PARAPPURATH, PUNNAKKAD, MOORKKANAD,  
          KOLATHUR, MALAPPURAM DISTRICT, PIN - 679338
- 2        JAFAR B  
          AGED 37 YEARS  
          S/O. ASHRAF, BEEMANTAVIDA HOUSE, NEAR HOMEIO DISPENSARY,  
          MATOOL SOUTH, KANNUR, PIN - 670302

BY ADVS.  
E.A.HARIS  
P.P.HARRIS



2025:KER:27411

Crl.A. No.388 of 2025

:2:

**RESPONDENTS/RESPONDENTS/COMPLAINANT:**

- 1        UNION OF INDIA  
          REPRESENTED BY SUPERINTENDENT OF POLICE,  
          NATIONAL INVESTIGATION AGENCY, KOCHI, PIN - 682020
  
- 2        INSPECTOR OF POLICE  
          NATIONAL INVESTIGATION AGENCY, NIA KOCHI UNIT, KOCHI,  
          PIN - 682020

BY ADVS.  
SREENATH S  
SASTHAMANGALAM S. AJITHKUMAR (SR.), DSGI for NIA

THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON  
02.04.2025, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:



2025:KER:27411

Crl.A. No.388 of 2025

:3:

**"CR"**

## **J U D G M E N T**

**Raja Vijayaraghavan, J.**

The above appeal is preferred by the appellants who are the accused Nos. 62 and 63 in S.C.No.2/2023/NIA on the file of the Special Court for Trial of NIA Cases, Ernakulam. In the above case, they, along with the rest of the accused, stand indicted for having committed offences punishable under sections 120B, 34, 109, 115, 118, 119, 143, 144, 147, 148, 449, 153A, 341, 302, 201, 212 r/w.s. 149, 120B r/w.s. 302 of IPC, Section 3(a)(b)(d) r/w. Section 7 of the Religious Institutions (Prevention of Misuse) Act, 1988 and Sections 13, 16, 18, 18A, 18B, 20, 22C, 23, 38 & 39 of Unlawful Activities (Prevention) Act, 1967 and Section 25 (1) (a) of the Arms Act, 1959. By the order passed by the Special Court, the application for bail preferred by the appellants was dismissed.

1. **The brief facts of the case are as follows:**

1.1. The Central Government received credible and actionable intelligence indicating that the office bearers, members, and cadres of the Popular Front of India (PFI)—a registered society—and its affiliated organisations in Kerala had



2025:KER:27411

Crl.A. No.388 of 2025

:4:

conspired to instigate communal violence and radicalise their cadres to commit terrorist acts in the State of Kerala and other parts of the country.

1.2 The intelligence further revealed that PFI members and office bearers based in Kerala, many of whom had earlier associations with the proscribed terrorist organisation SIMI (Students Islamic Movement of India), maintained operational linkages with other internationally proscribed terrorist organisations such as Lashkar-e-Taiba (LeT), the Islamic State of Iraq and Syria (ISIS)/Daesh, and Al-Qaeida. Some members of the PFI cadres were themselves members of these banned terrorist groups.

1.3 It was revealed that the PFI had allegedly created an organised network with the objective of recruiting vulnerable Muslim youth into proscribed international terrorist organisations to facilitate the commission of terrorist acts. Moreover, PFI and its members were reportedly engaged in activities prejudicial to public order and harmony by inciting hatred between different religious communities through incendiary speeches, publications, articles, and social media posts. Their actions were aimed at disrupting public tranquillity, and evidence pointed to organised movements intending to train participants in the use of



2025:KER:27411

Crl.A. No.388 of 2025

:5:

criminal force against individuals of other religions or groups—thereby instilling fear, terror, and a sense of insecurity among members of other communities.

1.4. The PFI and its members were allegedly responsible for several violent incidents and murders in Kerala, which created a sense of terror in the minds of the general public. Additionally, it is alleged that PFI, its office bearers, and its members were indulging in unlawful activities with the intent to foment disaffection against the Indian State by provoking individuals, especially innocent members of the Muslim community, to defy the Government and institutions established by law—thereby undermining the sovereignty and integrity of India.

1.5 Based on the above facts and the gravity of the allegations, the Central Government formed the opinion that the activities of the Popular Front of India attracted offences punishable under Sections 120B and 153A of the Indian Penal Code, 1860, and Sections 13, 18, 18B, 38, and 39 of the Unlawful Activities (Prevention) Act, 1967, which are scheduled offences under the National Investigation Agency Act, 2008.

1.6. Being satisfied that the above acts had serious ramifications for national security, the Ministry of Home Affairs, Government of India, CTCR



2025:KER:27411

Crl.A. No.388 of 2025

:6:

Division, vide Order No. 11011/82/2022-NIA dated 16.09.2022, directed the National Investigation Agency (NIA) to take up the investigation. In compliance with the said direction, a case was registered as RC-02/2022/NIA/KOC at the NIA Police Station, Kochi, on 19.09.2022 under the aforementioned provisions, and the First Information Report (FIR) was submitted before the jurisdictional Court.

1.7 During the course of the investigation, it was revealed that Crime No. 318/2022 of Palakkad Town South Police Station, which involved the murder of one Srinivasan, a BJP activist, was a connected offence under Section 8 of the NIA Act. In the said case, the Kerala Police had laid a final report arraying 44 persons as the accused and charged them for having committed offences punishable under Sections 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w. Section 149 of the Indian Penal Code and Section 3(a)(b)(d) r/w. Section 7 of the Religious Institutions (Prevention of Misuse) Act, 1988. The case records in Crime No. 318 of 2022 of Palakkad Town South Police Station were transferred to the Special Court.

1.8. Accordingly, the Government of India, Ministry of Home Affairs, vide order No.11011/82/2022/NIA (Part) dated 19.12.2022, directed the NIA to



2025:KER:27411

Crl.A. No.388 of 2025

:7:

investigate FIR No. 318/2022 dated 16.04.2022 of Palakkad Town South Police Station, Kerala, under the provisions of the NIA Act, 2008.

1.9. It is alleged that the PFI has frontal organisations like Rehab India Foundation (RIF), Campus Front of India (CFI), All India Imams Council (AIIC), National Confederation of Human Rights Organization (NCHRO), National Women's Front (NWF), Junior Front, Empower India Foundation and Rehab Foundation, in addition to their political wing, Social Democratic Party of India (SDPI).

1.10 On 28.09.2022, the Government of India declared the Popular Front of India and its affiliates/frontal organisations as an "Unlawful Association" under the provisions of the Unlawful Activities (Prevention) Act 1967.

1.11. The prosecution alleges that the 1st accused, Popular Front of India, its office bearers, leaders and members besides their affiliates, hatched a conspiracy during the past few years inside and outside Kerala, with their agenda to overthrow the democracy in India and to implement Islamic Rule in India by 2047, for which they prepared structured stages of progression. In pursuance to their plans, they carried out various activities which included uniting Muslims under the flag of PFI, forming alliances with certain groups, stockpiling weapons and



2025:KER:27411

Crl.A. No.388 of 2025

:8:

explosives, etc. They also intended to eliminate those who act against the interest of PFI and recruit enough trained cadres and stockpile of arms to declare a new Constitution based on Islamic Principles.

1.12. In pursuance to their larger conspiracy, PFI had established three Wings - 'Reporters Wing', 'Physical and Arms Training Wing/PE Wing' and 'Service Wing/Hit teams'. Through their 'Reporters Wing' which is a quasi-intelligence division of the PFI, it collected private and personal information of prominent personalities in the society, besides leaders of other communities, especially the Hindu Community, including their day-to-day activities. The data is compiled at the PFI District level and communicated to their State hierarchy. The details are regularly updated and utilised to "Target" the individuals as and when required by the terrorist gang. The PFI had trained its cadres for the collection of such data and had stored them, besides providing the same to their assault teams in 'Service Wing' for attack as and when decided by their leadership.

1.13. In further pursuance to their agenda, the PFI through their Arms Training Wing, prepared master trainers to impart uniform physical and arms training under a common syllabus with set course to their cadres in various stages





2025:KER:27411

Crl.A. No.388 of 2025

:9:

under the guise of yoga training programs, rescue and relief activities, martial arts and other physical development activities. The PFI devised the program to filter the cadres through various stages and gave arms and explosives training to selected cadres through these stages. PFI used their various facilities and affiliated institutions, including the institutions run in the name of 'Trusts', besides other places for conducting such training camps and secret meetings. The PFI used these trained cadres for eliminating shortlisted targets based on the decisions of their leadership as and when required. The PFI also used such selected cadres as executioners of the decisions of their pseudo court – "Darul Khada".

1.14. The PFI, its office bearers and cadres had conspired to commit terrorist act by killing any targeted person of another religion/section of the society to create terror in the minds of other communities and the public at large. In furtherance to that, PFI leaders and cadres carried out intensive recce on members of other religions, particularly the Hindu community and compiled the same for targeting through their 'Service Wing/Hit teams'.

1.15. In murder cases involving PFI cadres, including the one in Crime No. 318 of 2022 of Palakkad Town South Police Station, none of the accused had any



2025:KER:27411

Crl.A. No.388 of 2025

:10:

personal enmity with the deceased. The victims have been selected solely because of their leadership/membership in a particular community and were killed to create terror in the society. Several persons were reced to become possible targets. The PFI through such acts intended to disturb harmony among the society and to terrorise people within the society with a view to creating a sense of fear and insecurity in their minds. The PFI also intended to instill confidence among their cadres by executing such acts. The plans so made were executed to prevent any defiance of their command in future.

1.16. In one such specific incident in pursuance to their larger conspiracy, leaders and accused persons being members of Popular Front of India (PFI) conducted conspiracy at various places in Palakkad on 15th and 16th of April 2022, conducted reconnaissance of residences belonging to several leaders from Hindu community who appear in their target-list and chose and decided to eliminate one prominent Hindu leader named S. K. Srinivasan of Palakkad. They, in furtherance to the conspiracy, set out to commit terrorist act on 16.04.2022 for which 5 accused persons (A-17 to A-21) came on three two-wheelers, three of whom criminally trespassed into SKS Autos situated at Melamuri, Pallippuram, Palakkad run by S. K. Srinivasan and inflicted grievous injuries on Srinivasan and



2025:KER:27411

Crl.A. No.388 of 2025

:11:

killed him by hacking his head and other parts of his body with choppers which the assailants were carrying with the sole intention and purpose to brutally murder him, so as to create terror in the mind of other communities and public at large. The above act of murder is in furtherance of the larger conspiracy of the 1st accused, to create terror.

1.17. The investigation revealed that the leaders of PFI had justified the activities of cadres in support of the proscribed terrorist organisation ISIS and were found with the possession of ISIS propaganda videos and documents for propagation. The PFI, its leaders and cadres have incited the people by provocative speeches and slogans to cause communal disharmony.

1.18. On completion of investigation against A1 to A14, A16 to A19, A21 to A26, A29 to A40, and A42 to A63 and A66, final report has been filed against them (59 accused) on 17.03.2023, for offence under sections 120B, 34, 109, 115, 118, 119, 143, 144, 147, 148, 449, 153A, 341, 302, 201, 212 r/w. Section 149 of the IPC, 120B r/w. Section 302 of the IPC, Section 3(a)(b)(d) r/w. Section 7 of the Religious Institutions (Prevention of Misuse) Act, 1988 and Sections 13, 16, 18, 18A, 18B, 20, 22C, 23, 38 & 39 of Unlawful Activities (Prevention) Act, 1967 and



2025:KER:27411

Crl.A. No.388 of 2025

:12:

Section 25 (1) (a) of Arms Act, 1959.

## 2. **The case of the appellants**

2.1 The appellants are accused Nos. 62 and 63 in the above case. They were arrested on 18.03.2024 and 12.2.2024, respectively, and are in judicial custody.

2.2. Sri. Raghenth Basant, the learned Senior Counsel appearing for the appellants, duly assisted by Sri E.A. Haris, the learned counsel, submitted that the appellants are innocent of the allegations raised against them. It is urged by the learned counsel that the grounds of arrest were not informed to the appellants either orally or in writing and that such action is in gross violation of the constitutional mandate under Article 22(1) of the Constitution of India and Section 50 of the Code of Criminal Procedure, 1973. Relying on the decisions of this Court in the case of **Pankaj Bansal v. Union of India**<sup>1</sup>, **Prabir Purkayastha v. State (NCT of Delhi)**<sup>2</sup> and **Vihaan Kumar v State of Haryana**<sup>3</sup>, it was submitted that on the failure of the 1st respondent to comply with the mandate of

---

<sup>1</sup> (2024) 7 SCC 576

<sup>2</sup> (2024) 8 SCC 254

<sup>3</sup> 2025 SCC OnLine SC 269



2025:KER:27411

Crl.A. No.388 of 2025

:13:

Article 22(1) and Section 50 of Cr.P.C, the arrest of the appellants becomes vitiated and illegal. It is submitted that in view of the above gross illegality, it may not be necessary to enter into the controversy surrounding Section 43D(5) of the Unlawful Activities (Prevention) Act, 1967 with regard to the satisfaction as to whether the accusation against the appellant is prima facie true or not.

3. **Response of the respondents**

Sri. Sasthamangalam Ajith Kumar, the learned Senior Counsel appearing for the respondents, submitted that it is not the case of the appellants that the grounds of arrest were not communicated. The learned counsel would refer to the arrest memo produced for perusal of this Court and it was urged that it contains all details, including the date, time and place of arrest, the designation of the arresting officer etc. It is urged that Column No. 7 of the arrest memo specifically deals with the query as to whether the grounds of arrest have been explained to the accused in the vernacular, to which the accused had answered in the affirmative. He would point out that a copy of the arrest memos was served to the appellants and had been endorsed with their signature. According to the learned counsel, there is no requirement under Article 22(1) or in Section 50 of the Cr.P.C



2025:KER:27411

Crl.A. No.388 of 2025

:14:

to communicate the grounds of arrest to the arrestee in writing. Moreover, he submitted that the mandate of Section 50 is that either the full particulars of the offence for which he is arrested must be communicated to an arrestee or the grounds of arrest. The learned Senior counsel would profusely rely on the principles of law laid down in **Ram Kishor Arora v. Enforcement Directorate**<sup>4</sup>, to support his submissions.

#### **4. Analysis**

4.1 We have carefully considered the submissions.

4.2 We have gone through the arrest memo dated 18.03.2024 in respect of the 1st appellant and the arrest memo dated 12.02.2024 in respect of the 2nd applicant. In addition to various columns dealing with Case number, Date, Time and Place of arrest, Address, Names and address of witnesses etc., there is a specific column with a query “whether the grounds of arrest have been explained (in vernacular, if possible) to the accused. The response is “Yes” in the case of the 1st appellant and “Yes. Explained in vernacular language” in the case of the 2nd appellant. There is no serious dispute to the fact that written grounds of arrest



2025:KER:27411

Crl.A. No.388 of 2025

:15:

have not been served to the appellants.

4.3. In **Prabir Purkayastha** (supra), the Apex Court had occasion to explain that there is a significant difference in the phrase 'reasons for arrest' and 'grounds of arrest'. The 'reasons for arrest' as indicated in the arrest memo are purely formal parameters, viz., to prevent the accused person from committing any further offence; for proper investigation of the offence; to prevent the accused person from causing the evidence of the offence to disappear or tampering with such evidence in any manner; to prevent the arrested person for making inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Investigating Officer. These reasons would commonly apply to any person arrested on charge of a crime, whereas the 'grounds of arrest' would be required to contain all such details in the hand of the Investigating Officer, which necessitated the arrest of the accused. Simultaneously, the grounds of arrest informed in writing must convey to the arrested accused all basic facts on which he was being arrested so as to provide him with an opportunity to defend himself against custodial remand and to seek bail. Thus, the 'grounds of arrest' would invariably be personal to the accused and cannot be equated with the 'reasons of arrest'



2025:KER:27411

Crl.A. No.388 of 2025

:16:

which are general in nature.

4.4. In **Pankaj Bansal** (supra), the Apex Court, in the context of an arrest under the Prevention of Money Laundering Act, 2002, was seized with the question as to whether the mere passing of an order of remand is sufficient to validate the arrest of the detainee. It was held that the issue as to whether the arrest of the accused was lawful in its inception is a valid consideration in such matters. The Apex Court held that there is no valid reason as to why a copy of the written grounds of arrest should not be furnished to the arrested person as a matter of course and without exception. It was observed that in the event the grounds of arrest are orally read out to the arrested person or read by such person with nothing further and this fact is disputed in a given case, it may boil down to the word of the arrested person against the word of the authorised officer as to whether or not there is due and proper compliance in this regard. Non-compliance in this regard would entail the release of the arrested person straightaway, as held in **V. Senthil Balaji v. State**<sup>5</sup>. Such a precarious situation is easily avoided and the consequence thereof can be obviated very simply by furnishing the written grounds of arrest, as recorded by the authorised officer in

---

<sup>5</sup>

(2024) 3 SCC 51





2025:KER:27411

Crl.A. No.388 of 2025

:17:

terms of Section 19(1) of the Prevention of Money Laundering Act, to the arrested person under due acknowledgement, instead of leaving it to the debatable ipse dixit of the authorised officer. It was also held that communication of the grounds of arrest, as mandated by Article 22(1) of the Constitution of India and Section 19 of the Prevention of Money Laundering Act, is meant to serve this higher purpose and must be given due importance. It was observed as under in paragraph 45 of the judgment:

45. On the above analysis, to give true meaning and purpose to the constitutional and the statutory mandate of Section 19(1) PMLA of informing the arrested person of the grounds of arrest, we hold that it would be necessary, henceforth, that a copy of such written grounds of arrest is furnished to the arrested person as a matter of course and without exception.

xxxx    xxxx    xxxxx

In the case on hand, the admitted position is that ED's investigating officer merely read out or permitted reading of the grounds of arrest of the appellants and left it at that, which is also disputed by the appellants. As this form of communication is not found to be adequate to fulfil compliance with the mandate of Article 22(1) of the Constitution and Section 19(1) PMLA, we have no hesitation in holding that their arrest was not in keeping with the provisions of Section 19(1) PMLA.

xxxx    xxx    xxx



2025:KER:27411

Crl.A. No.388 of 2025

:18:

In effect, the arrest of the appellants and, in consequence, their remand to the custody of ED and, thereafter, to judicial custody, cannot be sustained.

4.5. In **Prabir Purkayastha** (supra), the appellants therein were Directors of a company who were arrested and remanded on an accusation of having committed offences punishable inter alia under the UAP Act. They approached the Apex Court with a prayer to declare their arrest as illegal and in gross violation of the fundamental rights of the petitioner guaranteed under Articles 21 and 22 of the Constitution of India, and also to set aside and quash the consequent remand order. One of the contentions raised was that the grounds of arrest were not informed to the appellant either orally or in writing and that such action is in gross violation of the constitutional mandate under Article 22(1) of the Constitution of India and Section 50 of the Code of Criminal Procedure, 1973. The Apex Court, following the law in **Pankaj Bansal** (supra), held as under:

27. Thus, there is no hesitation in the mind of this Court that the submission of the learned ASG that in a case of preventive detention, the grounds of detention need not be provided to a detenu in writing is ex facie untenable in the eye of the law.

28. The language used in Article 22(1) and Article 22(5) of the



Constitution of India regarding the communication of the grounds is exactly the identical. Neither of the constitutional provisions require that the "grounds" of "arrest" or "detention", as the case may be, must be communicated in writing. Thus, interpretation to this important facet of the fundamental right as made by the Constitution Bench while examining the scope of Article 22(5) of the Constitution of India would ipso facto apply to Article 22(1) of the Constitution of India insofar as the requirement to communicate the grounds of arrest is concerned.

29. Hence, we have no hesitation in reiterating that the requirement to communicate the grounds of arrest or the grounds of detention in writing to a person arrested in connection with an offence or a person placed under preventive detention as provided under Articles 22(1) and 22(5) of the Constitution of India is sacrosanct and cannot be breached under any situation. Non-compliance of this constitutional requirement and statutory mandate would lead to the custody or the detention being rendered illegal, as the case may be.

30. Furthermore, the provisions of Article 22(1) have already been interpreted by this Court in Pankaj Bansal [Pankaj Bansal v. Union of India, (2024) 7 SCC 576] laying down beyond the pale of doubt that the grounds of arrest must be communicated in writing to the person arrested of an offence at the earliest. Hence, the fervent plea of the learned ASG that there was no requirement under law to communicate the grounds of arrest in writing to the appellant-accused is noted to be rejected. The 1st appellant was arrested on 18.03.2024 as per arrest memo dated 18.03.2024 and the 2nd appellant was arrested on 12.02.2024 as per arrest memo dated 12.02.2024.



4.6. Later, in **Vihaan Kumar v. State of Haryana and Another**<sup>6</sup>, the Apex Court, following the principles of law laid down in **Pankaj Bansal** (supra) and **Prabir Purkayastha** (supra), had finally settled the law by holding as under:

21. Therefore, we conclude:

a) The requirement of informing a person arrested of grounds of arrest is a mandatory requirement of Article 22(1);

b) The information of the grounds of arrest must be provided to the arrested person in such a manner that sufficient knowledge of the basic facts constituting the grounds is imparted and communicated to the arrested person effectively in the language which he understands. The mode and method of communication must be such that the object of the constitutional safeguard is achieved;

c) When arrested accused alleges non-compliance with the requirements of Article 22(1), the burden will always be on the Investigating Officer/Agency to prove compliance with the requirements of Article 22(1);

d) Non-compliance with Article 22(1) will be a violation of the fundamental rights of the accused guaranteed by the said Article. Moreover, it will amount to a violation of the right to personal liberty guaranteed by Article 21 of the Constitution. Therefore, non-compliance with the requirements of Article 22(1) vitiates the arrest of the accused. Hence, further orders passed by a criminal court of remand are also vitiated.



2025:KER:27411

Crl.A. No.388 of 2025

:21:

Needless to add that it will not vitiate the investigation, charge sheet and trial. But, at the same time, filing of chargesheet will not validate a breach of constitutional mandate under Article 22(1);

e) When an arrested person is produced before a Judicial Magistrate for remand, it is the duty of the Magistrate to ascertain whether compliance with Article 22(1) and other mandatory safeguards has been made; and

f) When a violation of Article 22(1) is established, it is the duty of the court to forthwith order the release of the accused. That will be a ground to grant bail even if statutory restrictions on the grant of bail exist. The statutory restrictions do not affect the power of the court to grant bail when the violation of Articles 21 and 22 of the Constitution is established.

4.7. We notice that in **Ram Kishor Arora v. Enforcement Directorate**<sup>7</sup>, a Two-Judge Bench of the Apex Court interpreted the judgment in **Pankaj Bansal** (supra) to have a prospective effect. Indisputably, the appellants herein were remanded to police custody after 3.10.2023, on which day the judgment in **Pankaj Bansal** (supra) was delivered. In that view of the matter, the appellants cannot be denied the benefit of the law laid down by the Apex Court, being the law of the land and binding under Article 141 of the Constitution of India.

---

<sup>7</sup>

(2024) 7 SCC 599]



2025:KER:27411

Crl.A. No.388 of 2025

:22:

4.8. As held in **Vihaan Kumar** (supra), when a violation of Article 22(1) is established, the accused are entitled to be released forthwith on bail, even if statutory restrictions on the grant of bail exist. Statutory restrictions can in no way inhibit the power of the court to grant bail when the violation of Articles 21 and 22 of the Constitution is established.

4.9. The appellants having been arrested on 18.03.2024 and 12.2.2024 and it being the admitted position that written grounds of arrest have not been furnished, the arrest of the appellants and consequent remand is vitiated.

5. **Conclusion:**

Resultantly, this appeal will stand allowed. The impugned order passed by the Special Court For the Trial of NIA Cases, Ernakulam, in Crl. M.P. No. 391/2024 in S.C.No.02/2023/NIA, is set aside. The appellants shall be released on bail on each of them executing a bond for Rs.1,00,000/- (Rupees One lakh) with two solvent sureties each for the like sum to the satisfaction of the Special Court. It shall be open to the Special Court to impose such additional conditions as it may deem fit and necessary in the interest of



2025:KER:27411

Crl.A. No.388 of 2025

:23:

justice. However, the conditions shall mandatorily include the following:

- a) If the appellants intend to leave the State of Kerala, they shall obtain prior permission from the Special Court.
- b) If the appellants are in possession of any passport(s), they shall surrender the same before the Special Court forthwith.
- c) The appellants shall furnish to the Investigating Officer of the NIA their complete and current residential address, including any changes thereto, and shall ensure that the same remains updated at all times.
- d) The appellants shall each use only one mobile number during the period of bail and shall communicate the said number to the Investigating Officer of the NIA. They shall remain accessible on the said number throughout the duration of bail and shall not, under any circumstances, switch off or discard the device associated with it without prior intimation.
- e) The appellants shall report before the Station House Officer of the Police Station having jurisdiction over their place of residence once every fortnight, without fail
- f) The appellants shall not tamper with evidence or attempt to influence or threaten any witnesses in any manner.



2025:KER:27411

Crl.A. No.388 of 2025

:24:

- g) The appellants shall not engage in or associate with any activity that is similar to the offence alleged against them or commit any offence while on bail.

In the event of any breach of the aforesaid conditions or of any other condition that may be imposed by the Special Court in addition to the above, it shall be open to the prosecution to move for cancellation of the bail granted to the appellants before the Special Court, notwithstanding the fact that the bail was granted by this Court. Upon such application being made, the Special Court shall consider the same on its own merits and pass appropriate orders in accordance with law.

sd/-

**RAJA VIJAYARAGHAVAN V,  
JUDGE**

sd/-

**P.V.BALAKRISHNAN,  
JUDGE**

*PS/31/03/25*





2025:KER:27411

Crl.A. No.388 of 2025

:25:

**APPENDIX OF CRL.A 388/2025**

**PETITIONER ANNEXURES**

<b>Annexure A1</b>	<b>TRUE COPY OF THE RELEVANT PORTION OF FINAL REPORT DATED 13.07.2022 IN CRIME NO. 318 OF 2022 OF PALAKKAD TOWN SOUTH POLICE STATION</b>
<b>Annexure A2</b>	<b>TRUE COPY OF THE RELEVANT PORTION OF SUPPLEMENTARY CHARGE DATED 12.12.2022 IN CRIME NO. 318 OF 2022 OF PALAKKAD TOWN SOUTH POLICE STATION</b>
<b>Annexure A3</b>	<b>TRUE COPY OF THE RELEVANT PORTION OF THE CHARGE IN CRIME NO.203 OF 2022 OF KASABA POLICE STATION, PALAKKAD</b>
<b>Annexure A4</b>	<b>TRUE COPY OF THE ORDER DATED 16/9/2022 ISSUED BY SECRETARY TO THE GOVERNMENT OF INDIA, MINISTRY OF HOME AFFAIRS CTCR DIVISION</b>
<b>Annexure A5</b>	<b>TRUE COPY OF THE FIR IN RC 2/2022/NIA/KOC DATED 19/9/2022</b>
<b>Annexure A6</b>	<b>TRUE COPY OF THE ORDER DATED 19/12/2022 ISSUED BY UNDER SECRETARY TO THE GOVERNMENT OF INDIA, MINISTRY OF HOME AFFAIRS CTCR DIVISION</b>
<b>Annexure A7</b>	<b>TRUE COPY OF THE ORDER DATED 23/1/2023 ISSUED BY THE ASSISTANT REGISTRAR HIGH COURT OF KERALA</b>



2025:KER:27411

Crl.A. No.388 of 2025

:26:

**Annexure A8**

TRUE COPY OF THE ORDER DATED 16.03.2023  
ISSUED BY UNDER SECRETARY TO THE GOVERNMENT  
OF INDIA, MINISTRY OF HOME AFFAIRS CTCR  
DIVISION

**Annexure A9**

TRUE COPY OF THE RELEVANT PAGES OF THE FINAL  
REPORT IN RC NO.2/2022 IN SC NO.2/2023 ON THE  
FILES OF THE SPECIAL COURT OF NIA CASES  
ERNAKULAM