



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR.JUSTICE K. V. JAYAKUMAR

TUESDAY, THE 19TH DAY OF AUGUST 2025 / 28TH SRAVANA, 1947

CRL.A NO. 1248 OF 2025

AGAINST THE ORDER DATED 11.06.2025 IN CRL.M.P.NO.230/2025 IN
SC NO.2 OF 2023 OF SPECIAL COURT FOR TRIAL OF NIA CASES, ERNAKULAM

APPELLANTS/PETITIONERS/ACCUSED NO.22 &24:

- 1 MUHAMMED BILAL, AGED 25 YEARS
S/O. HAKKEEM, THOZHITHTIN KUNNU, MANCHATHOD,
THACHUMPURA, MANNNAAD, PALAKKAD, PIN - 678593
- 2 RIYASUDHEEN. AGED 39 YEARS, S/O. ABU THAHIR, 4/288,
OPPOSITE RAHMAN FLOUR MILL, PEZHUMKKARA, PALLIPURAM
POST, PIRAYIRI, PALAKKAD, PIN - 678006

BY ADVS.
SHRI.E.A.HARIS
SRI.P.VISHNU (PAZHANGANAT)

RESPONDENTS/RESPONDENTS/COMPLAINANT:

- 1 UNION OF INDIA, AGED 39 YEARS
REPRESENTED BY SUPERINTENDENT OF POLICE, NATIONAL
INVESTIGATION AGENCY, KOCHI, PIN - 682020
- 2 INSPECTOR OF POLICE, NATIONAL INVESTIGATION AGENCY, NIA
KOCHI UNIT, KOCHI, PIN - 682020



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

2

BY ADVS.

SHRI.SASTHAMANGALAM S. AJITHKUMAR, SENIOR PANEL COUNSEL
SHRI.SREENATH SASIDHARAN

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 30.07.2025,
ALONG WITH CRL.A.1253/2025, THE COURT ON 19.08.2025 DELIVERED THE
FOLLOWING:



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

3

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR.JUSTICE K. V. JAYAKUMAR

TUESDAY, THE 19TH DAY OF AUGUST 2025 / 28TH SRAVANA, 1947

CRL.A NO. 1253 OF 2025

AGAINST THE ORDER DATED 11.06.2025 IN CR.M.P.NO.229/2025 IN
SC NO.2 OF 2023 OF SPECIAL COURT FOR TRIAL OF NIA CASES, ERNAKULAM
APPELLANTS/PETITIONERS/ACCUSED NO.23 & 60:

- 1 ANSAR K. P., AGED 31 YEARS
 S/O. UMMER, KUNDILPEEDIKAYIL HOUSE, NHANGATIRI KADAVU,
 THRITHALA, PALAKKAD, PIN - 679303
- 2 SAHEER K. V., AGED 34 YEARS
 S/O. MUHAMMEDALI, KARUPPAN VALAPPIL (H), KEEZHAYUR -
 POST, PATTAMBI, PALAKKAD, PIN - 679303

BY ADVS.
SHRI.E.A.HARIS
SRI.P.VISHNU (PAZHANGANAT)

RESPONDENTS/RSPONDENTS/COMPLAINANT:

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



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

4

KOCHI UNIT, KOCHI, PIN - 682020

BY ADVS.

SHRI.SASTHAMANGALAM S. AJITHKUMAR, SENIOR PANEL COUNSEL

SHRI.SREENATH SASIDHARAN

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 30.07.2025,
ALONG WITH CRL.A.1248/2025, THE COURT ON 19.08.2025 DELIVERED THE
FOLLOWING:



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

5

COMMON JUDGMENT

K. V. Jayakumar, J.

These Criminal Appeals have been preferred under Section 21 of the National Investigation Agency Act, 2008.

2. Crl. Appeal No. 1248/2025 is preferred by the accused Nos. 22 and 24 and Crl. Appeal No. 1253/2025 is preferred by accused Nos. 23 and 60 impugning the orders passed by the Special Court for the Trial of NIA Cases, Ernakulam, in Crl. M. P. No. 229/2025 and Crl.M.P.No. 230/2025 in S.C.No.02/2023/NIA dated 11.06.2025.

3. In the above cases, 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.



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

6

4. Brief facts necessary for the consideration of these appeals are as follows:

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

4.2 The intelligence revealed that PFI members and office bearers based in Kerala, many of whom had earlier association 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 also members of these banned terrorist groups.

4.3 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



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

7

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

4.4 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 and thereby undermining the sovereignty and integrity of India.

4.5 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



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

8

Activities (Prevention) Act, 1967, which are scheduled offences under the National Investigation Agency Act, 2008.

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

4.7. 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 Sreenivasan, 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,



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

9

1988. The case records in Crime No. 318 of 2022 of Palakkad Police Station were transferred to the Special Court.

4.8 Accordingly, the Government of India, Ministry of Home Affairs, vide order No. 11011/82/2022/NIA dated 19.12.2022 directed the NIA to investigate FIR No. 318/2022 of Palakkad Town South Police Station, Kerala, under the provisions of the NIA Act, 2008.

4.9. 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).

4.10. 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.

4.11. 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



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

10

India by 2047, for which they prepared structured stages of progression. In pursuance to their plans, they carried out various activities including uniting Muslims under the flag of PFI, forming alliances with certain groups, stockpiling weapons and explosives, etc. They also intended to eliminate those who acted against the interest of PFI and recruit enough trained cadres and stockpile arms to declare a new Constitution based on Islamic Principles.

4.12. In pursuance to their larger conspiracy, PFI had established 3 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 society, and 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, and provided the same to their assault teams in 'Service Wing' for attack as and when decided by their leadership.

4.13. In further pursuance to their agenda, the PFI, through their Arms Training Wing, prepared master trainers to impart uniform physical and arms



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

11

training under a common syllabus with a set course to their cadres in various stages 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 its multiple facilities and affiliated institutions, including the institutions run in the name of 'Trusts', besides other places, to conduct such training camps and secret meetings. The PFI used these trained cadres to eliminate 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 Qaza"

4.14. The PFI, its office bearers, and cadres had conspired to commit the 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'.

4.15. 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



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

12

any 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 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 its cadres by executing such acts. The plans so made were executed to prevent any defiance of their command in the future.

4.16. 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. Sreenivasan, and inflicted grievous injuries on Sreenivasan and killed him by hacking his head and other parts of his body with choppers



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

13

which the assailants were carrying with the sole intention and purpose to murder him brutally, 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.

4.17 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 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.

4.18. 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.s. 149, 120B r/w. Section 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 Arms Act, 1959.



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

14

Submissions of the Appellants

5. According to the appellants, the common case against them in the final report is that they attended a conspiracy and conducted recce along with other accused and took a prominent part in facilitating the murder of Sreenivasan. The learned counsel for the appellants contended that the order of the trial court refusing bail to the appellants is illegal. In Crime No.318/2022 of the Palakkad Town South Police Station, alleging various offences under the Religious Institutions (Prevention of Misuse) Act, 1988, the court below wrongly stated that the appellants with an intention to commit the murder of a Hindu leader, committed the act. In other words, it was a political murder. NIA purposefully gave a colour of communal disharmony by deleting the name of the political party from the final report and replacing the same with Hindu leader and conducted recce for conducting the murder of a Hindu leader and incorporated the provisions under the UA (P) Act.

6. The learned counsel for the appellants submitted that there are a total of 66 accused persons in S.C.No.2/2023 on the files of the Special Court for Trial of NIA Cases, Ernakulam. There are 1014 witnesses in the chargesheet and 1688 documents. Moreover, the prosecution relies on 696 material objects



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

15

and 10 terabytes of FSL report. The framing of charges has been stayed by the Honourable Apex Court in SLP Crl No.3658/2024 vide order dated 06.05.2024.

7. The learned counsel then pointed out that out of the total 71 accused persons, 62 were arrested by the NIA. 49 accused were already enlarged on bail either by this Court or by the Apex Court. The total number of accused in custody, including the four appellants herein, is 12. The learned counsel then pointed out that according to the NIA, there were two teams involved in the alleged offence ie, 'Assault team' and 'Defence team'. The members of the 'Assault team' are the prime accused persons in this case who were allegedly present at the place of occurrence, armed with weapons, and executed the plan. Sri. Parameshwar, the learned Senior Counsel, submitted that the appellants are innocent of the allegations. He further contended that there is no case made out by the State police to suggest that the murder of Sreenivasan was a terrorist act.

8. The appellants herein are allegedly the members of the 'Defence team'. According to the prosecution, the appellants, the members of the Defence team, did not participate in the crime, but they were watching the activities near the place of occurrence armed with weapons.



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

16

9. The learned counsel further submitted that the NIA has moved an application before the Special Court seeking further investigation against one Shamnad P. K, who is also alleged to have been an assailant. Hence, there is no possibility that the trial will commence in the near future. Reliance was placed on the dictums laid down in **Union of India v. K. A. Najeeb¹, Sheikh Javed Iqbal v. State of Uttar Pradesh², Javed Gulam Nabi Sheikh v. State of Maharashtra³, Rabi Prakash v. State of Odisha⁴, Athar Parwez v. Union of India⁵ and Shaheen Welfare Association v. Union of India and Ors.⁶**

Submissions of the Standing Counsel for the National Investigation Agency (NIA)

10. Sri. Sasthamangalam Ajithkumar, the learned Standing Counsel for NIA submitted that the investigation revealed that PFI has its hidden agenda to overthrow the democracy in India and to implement Islamic rule in India by 2047 and the appellants being the members of terrorist gang, conspired on 15.04.2022 for committing terrorist act of murdering any available Hindu leader

¹ (2021) 3 SCC 713

² (2024) 8 SCC 293

³ (2024) 9 SCC 813

⁴ 2023 SCC OnLine SC 1109

⁵ 2024 SCC OnLine SC 3762

⁶ (1996) 2 SCC 616



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

17

with the intention of creating terror in the minds of the Hindu community and among public at large. In furtherance of the conspiracy, the appellants prepared for commission of terrorist act by imparting/undergoing arms training, collecting the details of targets, conducted recce of the targets to eliminate them and also by committing terrorist act of murder of Sreenivasan on 16.04.2022 as a part of larger conspiracy to establish Islamic Rule in India as per their hidden agenda 'India 2047'.

11. The learned Standing Counsel for the NIA further submitted that the appellants herein are the members of the 'Defence team' and there is an excellent prima facie case against them. They have a more important role in the alleged crime as compared to the other accused who were already enlarged on bail by this Court or the Apex Court.

12. The learned Standing Counsel for the NIA pointed out that the appellants stood near the place of occurrence, armed with weapons and conducted a recce. According to the learned Standing Counsel, the delay in the commencement and conclusion of the trial by itself is not a ground to release the accused. Moreover, he pointed out that the appellants have criminal antecedents.



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

18

13. We have heard Sri.K. Parameshwar and Sri. E. A. Haris, the learned counsel for the appellants/accused and the learned Senior Counsel Sri.Sasthamanagalam S. Ajithakumar for the prosecution.

14. Crl.A.1248/2025 is preferred by Muhammed Bilal (accused No.22), Aged 25 years, S/o. Jakkeem, Thozhithin Kunnu, manchathod, Thachumpura, Mannaad, Palakkad and Riyasudheen (accused No.24), Aged 39 years, S/o. Abu Thahir, 4/288, Opposite Rahman Flour Mill, Pezhumkkara, Pallipuram, Post, Pirayiri, Palakkad. Both the appellants were arrested on 16.04.2022.

15. Likewise, Crl.A.No.1253/2025 is preferred by Ansar K. P. (accused No.23), Aged 31 years, S/o. Ummer, Kundilpeedikayil House, Nhangatiri Kadavu, Thrithala, Palakkad and Saheer K. V. (accused No.60), Aged 34 years, S/o. Muhammedali, Karuppan Valappil (H), Keezhayur Post, Pattambi, Palakkad. Accused No. 23 was arrested on 07.11.2022 and accused No.60 was arrested on 16.05.2023.

16. Before further discussion, it would be apposite to refer to the law laid down by the Apex Court with regard to the grant of bail on the ground of violation of Part III of the Constitution of India. The learned counsel for the appellants has placed reliance on the judgments of the Apex Court in **K. A. Najeeb** (supra), **Sheikh Javed Iqbal** (supra), **Javed Gulam Nabi Sheikh**



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

19

(supra), **Rabi Prakash** (supra), **Athar Parwez** (supra) and **Shaheen Welfare Association** (supra).

17. The Apex Court has categorically held, in a catena of decisions, that when the precious right of an accused under Article 21 of the Constitution is infringed, the restriction on bail envisioned in Section 43D(5) of UA(P) Act would not be a bar for the Courts to grant bail to the accused. In **K. A. Najeeb** (supra), the Apex Court has laid down the position in paragraphs 17, 18, and 19 of the judgment, which reads as under:

"17. It is thus clear to us that the presence of statutory restrictions like Section 43-D(5) of the UAPA per se does not oust the ability of the constitutional courts to grant bail on grounds of violation of Part III of the Constitution. Indeed, both the restrictions under a statute as well as the powers exercisable under constitutional jurisdiction can be well harmonised. Whereas at commencement of proceedings, the courts are expected to appreciate the legislative policy against grant of bail but the rigours of such provisions will melt down where there is no likelihood of trial being completed within a reasonable time and the period of incarceration already undergone has exceeded a substantial part of the prescribed sentence. Such an approach would safeguard against the possibility of provisions like Section 43-D(5) of the UAPA being used as the sole metric for denial of bail or for wholesale breach of constitutional right to speedy trial.

18. Adverting to the case at hand, we are conscious of the fact that the charges levelled against the respondent are grave and a serious threat to societal harmony. Had it been a case at the



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

20

threshold, we would have outrightly turned down the respondent's prayer. However, keeping in mind the length of the period spent by him in custody and the unlikelihood of the trial being completed anytime soon, the High Court appears to have been left with no other option except to grant bail. An attempt has been made to strike a balance between the appellant's right to lead evidence of its choice and establish the charges beyond any doubt and simultaneously the respondent's rights guaranteed under Part III of our Constitution have been well protected.

19. Yet another reason which persuades us to enlarge the respondent on bail is that Section 43-D(5) of the UAPA is comparatively less stringent than Section 37 of the NDPS Act. Unlike the NDPS Act where the competent court needs to be satisfied that prima facie the accused is not guilty and that he is unlikely to commit another offence while on bail; there is no such precondition under UAPA. Instead, Section 43-D(5) of the UAPA merely provides another possible ground for the competent court to refuse bail, in addition to the well-settled considerations like gravity of the offence, possibility of tampering with evidence, influencing the witnesses or chance of the accused evading the trial by absconsion, etc."

18. In paragraph 42 of **Sheikh Javed Iqbal** (supra), the Apex Court observed as under:

"42. This Court has, time and again, emphasised that right to life and personal liberty enshrined under Article 21 of the Constitution of India is overarching and sacrosanct. A constitutional court cannot be restrained from granting bail to an accused on account of restrictive statutory provisions in a penal statute if it finds that the right of the accused-undertrial under Article 21 of the Constitution of India has been infringed. In that



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

21

event, such statutory restrictions would not come in the way. Even in the case of interpretation of a penal statute, howsoever stringent it may be, a constitutional court has to lean in favour of constitutionalism and the rule of law of which liberty is an intrinsic part. In the given facts of a particular case, a constitutional court may decline to grant bail. But it would be very wrong to say that under a particular statute, bail cannot be granted. It would run counter to the very grain of our constitutional jurisprudence. In any view of the matter, K.A. Najeeb [Union of India v. K.A. Najeeb, (2021) 3 SCC 713] being rendered by a three-Judge Bench is binding on a Bench of two Judges like us.”

19. The Apex Court in **Javed Gulam Nabi Sheikh** (supra), **Rabi Prakash** (supra) and **Athar Parwez** (supra) has emphasized that when a speedy trial is denied to an accused who has suffered prolonged incarceration, the rigorous restriction on the grant of bail with penal statutes would not be a bar for the constitutional court to grant bail.

20. In **Shaheen Welfare Association** (supra), the Apex Court observed as under:

“That a pragmatic and constitutionally sensitive approach has to be taken where an undertrial is deprived of personal liberty for an extended period and that there is no reasonable prospect of the trial concluding within a reasonable time frame. It was also observed by the Apex Court in Shaheen Welfare Assn. that where undertrials are not directly accused of engaging in any terrorist acts, but are instead booked under S.120B IPC, or booked



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

22

merely on the ground that they are found in possession of incriminating materials, a lenient view has to be taken."

21. Now we shall proceed to consider the charges levelled against each of the appellants/accused and the objections raised by the prosecution against them and their entitlement for bail.

Crl.Appeal No.1248/2025:

1. 1st appellant : Muhammed Bilal (A-22)

Date of Arrest: 16.04.2022

Charge:

a) That, accused Muhammed Bilal @ Bilal (A-24) being Kunnumpuram Sanguvarathode Unit President of PFI, knowingly and intentionally became a member of terrorist gang formed by PFI to commit terrorist act as a part of larger conspiracy hatched by PFI and its office bearers and cadres since last few years to enact their "India 2047" agenda of establishing Islamic Rule in India. Being a member of terrorist gang, in furtherance to the larger conspiracy, he attended the conspiracy meetings held at Palakkad on 15th and 16th of April 2022 for committing terrorist act of murdering any available Hindu Leader with the intention of creating terror in the minds of the Hindu community and among public at large which resulted in the murder of Srinivasan on 16.04.2022 by PFI cadres. He along with Sahad (A-44) arranged weapons for commission of terrorist act, conducted recce of the



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

23

target on 15.4.2022 with Sahad (A-44) for committing terrorist act. He along with Ansar (A-25) travelled to the Scene of Crime by Deo Scooter KL-09-AL-1023 of Jamsheer (A-29) for assisting assailants for committing terrorist act of murdering Srinivasan on 16.04.2022. He also concealed evidence in the case and also committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquility in the State at large.

b) That, the accused Muhammed Bilal @ Bilal (A-24) along with 43 other co-accused were already charge sheeted by Kerala Police in connected offence in Crime No. 318/2022 of Palakkad Town South Police Station under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988, wherein, the offence committed by Muhammed Bilal @ Bilal (A-24) in the said connected offence has been enumerated in detail in that charge-sheet.

c) Therefore, accused Muhammed Bilal @ Bilal (A-24) committed offences punishable under sections 153A of IPC and sections 13, 16, 18 & 20 of UA (P) Act along with additional offences under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a) (b) (d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988 as charge sheeted by the Kerala Police in connected offence in Crime No. 318/2022 of Palakkad Town South Police station.

Objection:

(a) Muhammed Bilal @ Bilal is the 1st appellant in Crl.A.No.1248/2025 is the Unit President of PFI, Kunnumpuram,



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

24

Sanguvarathode Unit and an active cadre of PFI. He is a member of the Terrorist gang formed by PFI, to commit terrorist act as part of larger conspiracy hatched by PFI and its office bearers and the cadres since last few years to enact their "India 2047" agenda of establishing Islamic Rule in India.

(b) He attended arms training imparted by the PFI to its cadres at Falah Masjid, Palakkad as a preparation for committing terrorist acts. He attended conspiracy meeting held near Khabaristan at Palakkad on 15.04.2022 for committing terrorist act of murdering any available Hindu leader. In furtherance of the conspiracy, he proceeded to Sanghuvaramedu along with assailant Sahad (A-39) on motorcycle bearing registration No.KL-09-AP-9820 owned by Sahad (A-39) and collected the weapons from the goods auto rickshaw of assailant Abdul Rahman @ Adru (A-18) for further handing over of the weapons to the assailants for committing terrorist act of murder of any available Hindu leader.

(c) In furtherance of the conspiracy, Muhammed Bilal, conducted recce on the night of 15.04.2022 along with accused Sahad M (A-39) by using the Dio-Scooter bearing registration No.KL-09-AL-1023 arranged by accused Jamsheer (A-25) to locate the possible targets from other community for committing the terrorist act of murdering any available Hindu leader.

(d) The 1st appellant attended the conspiracy meetings held on Palakkad on 16.04.2022 for committing terrorist act of murder of Sreenivasan with the intention of creating terror in the minds of the Hindu community and among public at large. In furtherance to the criminal conspiracy, the 1st appellant proceeded as the rider of the Dio scooter bearing registration No.KL-09 AL-1023 along with Ansar K.P (A-23) as pillion rider to BOC Road,



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

25

Palakkad and A-23 received weapons from the Abdul Rasheed (A-28) at BOC Road to eliminate those who come to defend the terrorist act of murdering Sreenivasan. After the receipt of weapons from BOC Road Palakkad by the accused, the 1st appellant proceeded as the rider of the Dio Scooter to SKS Autos at Melamuri, Palakkad, the scene of crime and stood there as a defence team to the assailants, when Sreenivasan was being hacked to death.

(e) For the purpose of concealment and destruction of evidence, the 1st appellant took the weapon handed over by the accused Ansar K P (A-23) and concealed it along with the helmet used by the 1st appellant in the bushes and shrubs at Kallekkad, Palakkad. The final report along with the evidence collected discloses prima facie case against the accused Muhammed Bilal (A-22) the 1st appellant herein and therefore, there is bar under Section 43D(5) of the UA (P) Act for release of the accused on bail.

Entitlement for bail

22. Accused No.22, as evident from the materials on record, has undergone a pre-trial detention for more than three years and three months. The trial proceedings were stayed pursuant to an order passed by the Honourable Supreme Court. The final report submitted by the NIA is voluminous, comprising 1688 documents, 1114 witnesses, 696 material objects, and ten terabytes of FSL reports.



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

26

23. Given the magnitude of the case of the prosecution and the stay on proceedings issued in SLP (Crl.) No. 3658/2024, which specifically interdicts the framing of charges, there is no foreseeable possibility of the trial commencing or concluding in the near future. Even if proceedings were to resume, the sheer number of witnesses and extensive volume of documentary and material evidence clearly indicate that the trial would remain pending for several years. It is pertinent to note that out of the total 66 accused, 49 were already enlarged on bail by this Court or by the Apex Court. Only 12 persons are now in custody. The accused with almost similar charges were already released on bail.

24. In **Shaheen Welfare Association** (supra) the Apex Court held that a pragmatic and constitutionally sensitive approach has to be taken where an undertrial is deprived of personal liberty for an extended period and there is no reasonable prospect of the trial concluding within a reasonable time.

2. 2nd appellant: Riyasudheen (A-24)

Date of arrest: 16.04.2022

Charge:

(a) That, the accused Riyasudheen @ Riyas (A-26) being a cadre of a) PFI and SDPI Branch Secretary of Vadakkeparambu,



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

27

knowingly and intentionally became a member of terrorist gang formed by PFI to commit terrorist act as a part of larger conspiracy hatched by PFI and its office bearers and cadres since last few years to enact their "India 2047" agenda of establishing Islamic Rule in India. Being a member of terrorist gang, in furtherance to the larger conspiracy, he attended conspiracy meetings at Palakkad on 16th of April 2022 for committing terrorist act by murdering any available Hindu Leader with the intention of creating terror in the minds of the Hindu community and among public at large which resulted in the murder of Srinivasan on 16.04.2022 by PFI cadres. On 16.4.2022, he along with Shaheer (A-27) travelled to the Scene of Crime by motor Cycle KL-09-AQ-713 arranged by Abbas (A-52) and assisted the assailants for commission of terrorist act of murdering Srinivasan. He also committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquillity in the State at large.

b) That, the accused Riyasudheen @ Riyas (A-26) along with 43 other co-accused were already charge sheeted by Kerala Police in connected offence in Crime No. 318/2022 of Palakkad Town South Police Station under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988, wherein, the offence committed by Riyasudheen @ Riyas (A-26) in the said connected offence has been enumerated in detail in that charge-sheet.

c) Therefore, accused Riyasudheen @ Riyas (A-26) committed offences punishable under sections 153A of IPC and sections 13, 16, 18 & 20 of UA (P) Act along with additional offences under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449,



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

28

341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988 as charge sheeted by the Kerala Police in connected offence in Crime No. 318/2022 of Palakkad Town South Police station.

Objection:

(a) Riyasudheen is an active member of PFI to commit terrorist act as a part of larger conspiracy hatched by PFI and its office bearers and cadres since last few years to enact their 'India 2047' agenda of establishing Islamic rule in India.

(b) He attended arms training imparted by the PFI to its cadres at Falah Masjid, Palakkad as a preparation for committing terrorist acts and also attended the conspiracy meetings held at Palakkad on 16.042022 for committing terrorist act of murder of Sreenivasan with the intention of creating terror in the minds of the Hindu community and among public at large.

(c) The 2nd appellant proceeded as the rider of the motorcycle bearing registration No.KL-09-AQ-713 (MO-111) along with accused Saheer K V (A-60) as pillion rider to BOC Road, Palakkad and Saheer K (A-60) received weapons from the Abdul Rasheed (A-28) at BOC Road to eliminate those who come to defend the terrorist act of murdering Sreenivasan. After receipt of the weapons from BOC Road, Palakkad by the accused, the 2nd appellant proceeded as the rider of the motor cycle KL-09-AQ-713 to SKS Autos at Melamuri, Palakkad and stood there as a defence team to the assailants, when Sreenivasan was hacked to death.



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

29

(d) For concealment and destruction of evidence, the 2nd appellant took the weapon given to him by the co-accused Saheer K .V (A-60) and concealed it along with his dress and helmet in the bushes and shrubs at Kallekkad, Palakkad after the commission of the terrorist act of murder of Sreenivasan.

(e) The CCTV footages (D-67) seized from SRMS ONION & GARLIC, Melamuri, Palakkad shows the movement of the 2nd appellant on a bike with Saheer (A-60) as pillion rider near SOC along with other assailants on bikes and scooters.

(f) The final report along with the evidence collected discloses prima facie case against the accused Riyasudheen (A-24) the 2nd appellant herein and therefore, there is bar under Section 43D(5) of the UA (P) Act for release of the accused on bail.

Entitlement for bail

25. Accused No.24 as evident from the materials on record has undergone a pre-trial detention for more than three years and three months. The trial proceedings were stayed pursuant to an order passed by the Honourable Supreme Court. The final report submitted by the NIA is voluminous, comprising 1688 documents, 1014 witnesses, 696 material objects, and ten terabytes of FSL reports.

26. Given the magnitude of the case of the prosecution and the stay on proceedings issued in SLP (Crl.) No. 3658/2024, which specifically interdicts



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

30

the framing of charges, there is no foreseeable possibility of the trial commencing or concluding in the near future. Even if proceedings were to resume, the sheer number of witnesses and extensive volume of documentary and material evidence clearly indicate that the trial would remain pending for several years. It is pertinent to note that out of the total 66 accused, 49 were already enlarged on bail by this Court or by the Apex Court. Only 12 persons are now in custody. The accused with almost similar charges were already released on bail.

27. In **Shaheen Welfare Association** (supra) the Apex Court held that a pragmatic and constitutionally sensitive approach has to be taken where an undertrial is deprived of personal liberty for an extended period and there is no reasonable prospect of the trial concluding within a reasonable time.

Crl.Appeal No.1253/2025:

28. Accused Nos.23 and 60 in S.C.No.2/2023 have preferred this Criminal Appeal, impugning the dismissal of their bail application by the Special Court for Trial of NIA Cases, Ernakulam.



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

31

1. 1st appellant : **Ansar K.P.** (A-23)

Date of Arrest : 07.11.2022

Charge:

a) That, the accused Ansar KP (A-25) being Area President of PFI Pattambi, knowingly and intentionally became a member of terrorist gang formed by PFI to commit terrorist act as a part of larger conspiracy hatched by PFI and its office bearers and cadres since last few years to enact their "India 2047" agenda of establishing Islamic Rule in India. Being a member of terrorist gang, in furtherance to the larger conspiracy, he attended conspiracy meetings held at accused Nasar's (A-37) curtain shop at Pattambi on 15th of April 2022 and in Palakkad on 15th and 16th of April 2022 for committing terrorist act by murdering any available Hindu Leader with the intention of creating terror in the minds of the Hindu community and among public at large which resulted in the murder of Srinivasan on 16.04.2022 by PFI cadres. He along with Ashraf (A-36) conducted recce of the target on 15.4.2022 by Motorcycle KL-09-AQ-713 arranged by Abbas (A-52), to eliminate them by committing terrorist act. On 16.4.2022, he along with Mohammed Bilal (A-24) travelled to Scene of Crime by Deo Scooter KL-09-AL-1023 of Jamsheer (A-29) and assisted the assailants for committing terrorist act of murdering Srinivasan on 16.04.2022. He also concealed evidence in the case. He committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquillity in the State at large.

b) That, the accused Ansar KP (A-25) along with 43 other co-accused were already charge sheeted by Kerala Police in connected offence in Crime No. 318/2022 of Palakkad Town South Police Station under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988, wherein, the



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

32

offence committed by Ansar KP (A-25) in the said connected offence has been enumerated in detail in that charge-sheet.

c) Therefore, accused Ansar KP (A-25) committed offences punishable under sections 153A of IPC and sections 13, 16, 18 & 20 of UA (P) Act along with additional offences under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988 as charge sheeted by the Kerala Police in connected offence in Crime No. 318/2022 of Palakkad Town South Police station.

Objection:

(a) Ansar K.P, the 1st appellant is Pattambi Area President of PFI and an active cadre of PFI. He is a member of the Terrorist gang formed by PFI, to commit terrorist act as part of larger conspiracy hatched by PFI and its office bearers and the cadres since last few years to enact their "India 2047" agenda of establishing Islamic Rule in India.

(b) He attended the conspiracy meeting held at Curtain shop of accused Nassar @ Laden Nassar (A-37) at Pattambi on 15.04.2022 for committing terrorist act by murdering any available Hindu leader with the intention of creating terror in the minds of the Hindu community and among public at large.

(c) The 1st appellant herein attended the conspiracy meeting held near Khabaristan at Palakkad on 15.04.2022 for committing terrorist act of murdering any available Hindu leader.

(d) In furtherance of the conspiracy, he conducted recce on the night of 15.04.2022 along with Ashraf K (A-32) by using the



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

33

motorcycle bearing registration no. KL-09-AQ-713 (MO-111) arranged by Abbas (A-52) to locate the possible targets from other community for committing the terrorist act.

(e) He attended conspiracy meeting held at Palakkad on 16.04.2022 for committing terrorist act of murder of Sreenivasan on 16.04.2022 with the intention of creating terror in the minds of the Hindu community and among public at large.

(f) In furtherance of the conspiracy at the District Hospital, Palakkad, the 1st appellant herein proceeded as a pillion rider of the Dio Scooter bearing registration No.KL-09 AL-1023 along with Muhammed Bilal (A-22) to BOC Road, Palakkad and received weapons from the accused Abdul Rasheed (A-28) at BOC Road to eliminate those who come to defend the terrorist act of murdering Sreenivasan.

(g) After receipt of weapons from BOC Road, Palakkad the 1st appellant proceeded in the Dio Scooter bearing registration No.KL-09-AL 1023 (MO-114) to SKS Autos at Melamuri, Palakkad the scene of crime and stood there as a defence team to the assailants when Sreenivasan was being hacked to death.

(h) For the purpose of concealment and destruction of evidence, he handed over the weapon to the accused Muhammed Bilal (A-22) who concealed it in the bushes and shrubs at Kallekkad, Palakkad. The CCTV footages seized from SRMS Onion & Garlic, Melamuri vide seizure mahazar dated 28.04.2022 shows the movement of the 1st appellant on a scooter rode by Muhammed Bilal (A-22) near the scene of crime along with other assailants on bikes and scooters.



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

34

Entitlement for bail

29. Accused No.23, as evident from the materials on record, has undergone a pre-trial detention for more than two years and eight months. The trial proceedings were stayed pursuant to an order passed by the Honourable Supreme Court. The final report submitted by the NIA is voluminous, comprising 1688 documents, 1114 witnesses, 696 material objects and ten terabytes of FSL reports.

30. Given the magnitude of the case of the prosecution and the stay on proceedings issued in SLP (Crl.) No. 3658/2024, which specifically interdicts the framing of charges, there is no foreseeable possibility of the trial commencing or concluding in the near future. Even if proceedings were to resume, the sheer number of witnesses and extensive volume of documentary and material evidence clearly indicate that the trial would remain pending for several years. It is pertinent to note that out of the total 66 accused, 49 were already enlarged on bail by this Court or by the Apex Court. Only 12 persons are now in custody. The accused with almost similar charges were already released on bail.

31. In **Shaheen Welfare Association** (supra), the Apex Court held that a pragmatic and constitutionally sensitive approach has to be taken where



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

35

an undertrial is deprived of personal liberty for an extended period and there is no reasonable prospect of the trial concluding within a reasonable time.

2. 2nd appellant : Saheer K.V (A-60)

Date of Arrest : 16.05.2023

Charge

(a) The accused Saheer K, V., being the Secretary of PFI Pattambi Area Committee, knowingly and intentionally became a part of larger conspiracy hatched by PFI, its office bearers and cadres since few years to enact their "India 2047" agenda of establishing Islamic Rule in India.

(b) In furtherance to the conspiracy, he knowingly and intentionally became a member of terrorist gang formed to commit terrorist act as a part of larger conspiracy hatched by PFI and its office bearers and cadres since last few years. In furtherance to the larger conspiracy, he attended three conspiracy meetings held at Nasar's (A-37's) 'Dreams Curtain Shop at Patlambi on 15th of April 2022 and in Palakkad on 15th and 16th of April 2022 for committing terrorist act of murdering any available Hindu Leader with the intention of creating terror in the minds of the Hindu community and among public at large.

(c) He along with Fayas (A-45) conducted reeve of the target on 15.04.2022 by Motor cycle bearing Registration No. KL-09-AP-9820 belong to accused Sahad (A-44) for committing terrorist act, he along with Riyasudheen (A-24) travelled to scene of crime on a Motor Cycle bearing Registration No. KL-09-AQ-713



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

36

arranged by accused Abbas (A-52), possessed the sharp edged weapon for committing offence, assisted assailants for commission of terrorist act of murder of Sreenivasan on 16.04.2022.

(d) After commission of the offence, he handed over the weapon to Riyasudheen (A-24) and absconded. Moreover, he committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquillity in the State at large.

Objections:

(a) The 2nd appellant, Saheer K V, is an Area Secretary of PFI Pattambi Area and is an active cadre of PFI. He is a member of terrorist gang formed by PFI to commit terrorist act as a part of larger conspiracy hatched by PFI and its office bearers and cadres since last few years to enact their 'India 2047' agenda of establishing Islamic rule in India.

(b) He attended the conspiracy meeting held at Curtain Shop of Nasar @ Laden Nassar at Pattambi on 15.04.2022 for committing terrorist act by murdering any available Hindu leader with the intention of creating terror in the minds of the Hindu community and among public at large.

(c) He attended the conspiracy meeting held near Khabaristan at Palakkad on 15.04.2022 for committing terrorist act of murdering any available Hindu leader.

(d) The 2nd appellant, in furtherance to the conspiracy, conducted recce on the night of 15.04.2022 along with accused Fayas (A-40) by



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

37

using the motorcycle bearing registration No.KL-09-AO-9820 to locate the possible targets from other community for committing the terrorist act.

(e) He attended the conspiracy meetings held at Palakkad on 16.04.2022 for committing terrorist act of murder of Sreenivasan on 16.04.2022 with the intention of creating terror in the minds of the Hindu community and among public at large.

(f) In furtherance to the conspiracy at the District Hospital, Palakkad, the 2nd appellant proceeded as a pillion rider of the motorcycle, arrange by the Abbas (A-47) bearing registration No.KL-09-AQ-713 along with accused Riyasudheen (A-24) to BOC Road, Palakkad. After receiving weapons from BOC Road, Palakkad, he proceeded in the motorcycle bearing registration No.KL-09-AQ-713 as a pillion rider along with Riyasudheen (A-24) to SKS Autos at Melamuri, Palakkad, the scene of crime and stood there as a defence team to the assailants.

(g) For the purpose of concealment and destruction of evidence, he handed over the weapon he possessed, to the accused Riyasudheen (A-24) who concealed it in the bushes and shrubs at Kallekkad, Palakkad.

Entitlement for bail

32. Accused No.60, as evident from the materials on record, has undergone a pre-trial detention for two years and three months. The trial proceedings were stayed pursuant to an order passed by the Honourable



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

38

Supreme Court. The final report submitted by the NIA is voluminous, comprising 1688 documents, 1114 witnesses, 696 material objects, and ten terabytes of FSL reports.

33. Given the magnitude of the case of the prosecution and the stay on proceedings issued in SLP (Crl.) No. 3658/2024, which specifically interdicts the framing of charges, there is no foreseeable possibility of the trial commencing or concluding in the near future. Even if proceedings were to resume, the sheer number of witnesses and extensive volume of documentary and material evidence clearly indicate that the trial would remain pending for several years. It is pertinent to note that out of the total 66 accused, 49 were already enlarged on bail by this Court or by the Apex Court. Only 12 persons are now in custody. The accused with almost similar charges were already released on bail.

34. In **Shaheen Welfare Association** (supra), the Apex Court held that a pragmatic and constitutionally sensitive approach has to be taken where an undertrial is deprived of personal liberty for an extended period and there is no reasonable prospect of the trial concluding within a reasonable time.



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

39

Conclusion:

35. The Apex Court, by order dated 06.05.2024 has interdicted the special Court from framing the charge, and the said stay is still in force. In view of the large number of witnesses, exhibits and material objects, there cannot be any doubt that the trial cannot be concluded in the near future even if the stay is vacated. In view of the discussion above, the impugned orders of the Special Court denying bail to the applicants are set aside. Crl.A.Nos.1248/2025 and 1253/2025 will stand allowed. The appellants in Crl.A. Nos. 1248/2025 and 1253/2025 shall be released on bail on each of them executing a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned 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 justice. However, the conditions shall mandatorily include the following:

1. If the appellants intend to leave the Revenue District of Ernakulam, they shall obtain prior permission from the Special Court.
2. If the appellants are in possession of any passport(s), they shall surrender the same before the Special Court forthwith.



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

40

3. 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.
4. 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.
5. 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.
6. The appellants shall not tamper with evidence or attempt to influence or threaten any witnesses in any manner.
7. 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



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

41

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 an 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/-

**K.V. JAYAKUMAR,
JUDGE**

Sbna/



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

42

APPENDIX OF CRL.A 1253/2025

PETITIONER ANNEXURES

Annexure A1	THE TRUE COPY OF THE RELEVANT PAGES OF FINAL REPORT IN SC NO.2/2023 ON THE FILES OF SPECIAL COURT FOR NIA CASES, ERNAKULAM
Annexure A2	THE TRUE COPY OF THE RELEVANT PAGES OF SUPPLEMENTARY FINAL REPORT DATED 06.11.2023 IN SC NO.2/2023 ON THE FILES OF SPECIAL COURT FOR NIA CASES, ERNAKULAM
Annexure A3	THE CERTIFIED COPY OF THE ORDER DATED 11.06.2025 IN CRL. MP NO. 229 OF 2025 IN SC NO.2/2023/NIA ON THE FILES OF THE SPECIAL COURT FOR TRIAL OF NIA CASES, KERALA AT ERNAKULAM



2025:KER:61965

Crl.Appeal Nos.1248/2025 & 1253/2025

43

APPENDIX OF CRL.A 1248/2025

PETITIONER ANNEXURES

Annexure A1	TRUE COPY OF THE ORDER DATED 16/9/2022 ISSUED BY SECRETARY TO THE GOVERNMENT OF INDIA, MINISTRY OF HOME AFFAIRS CTCR DIVISION
Annexure A2	TRUE COPY OF THE FIR IN RC NO.2/2022/NIA/KOC DATED 19/9/2022
Annexure A3	TRUE COPY OF THE ORDER DATED 19/12/2022 ISSUED BY UNDER SECRETARY TO THE GOVERNMENT OF INDIA, MINISTRY OF HOME AFFAIRS CTCR DIVISION
Annexure A4	TRUE COPY OF THE ORDER DATED 23/1/2023 ISSUED BY THE ASSISTANT REGISTRAR HIGH COURT OF KERALA
Annexure A5	THE TRUE COPY OF THE RELEVANT PAGES OF FINAL REPORT IN SC NO.2/2023 ON THE FILES OF SPECIAL COURT FOR NIA CASES, ERNAKULAM
Annexure A6	THE 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
Annexure A7	THE TRUE COPY OF THE JUDGMENT IN NASSAR V. UNION OF INDIA [2025 KHC ONLINE 410]
Annexure A8	THE TRUE COPY OF THE ORDER DATED 19.05.2025 IN CRL. APPEAL NO.2717/2025 OF HON'BLE SUPREME COURT OF INDIA
Annexure A9	THE TRUE COPY OF THE ORDER DATED 21.05.2025 IN CRL. APPEAL NO.2744/2025 AND CRL. APPEAL NO. 2745/2025 OF HON'BLE SUPREME COURT OF INDIA
Annexure A10	THE CERTIFIED COPY OF THE ORDER DATED 11.06.2025 IN CRL. MP NO. 230 OF 2025 IN SC NO.2/2023/NIA ON THE FILES OF THE SPECIAL COURT FOR TRIAL OF NIA CASES, KERALA AT ERNAKULAM
Annexure A11	A TRUE COPY OF THE COMMON ORDER DATED 15.07.2025 IN S.L.P. NO. 11932 OF 2024 OF HON'BLE SUPREME COURT.
Annexure A12	A TRUE COPY OF THE APPLICATION DATED NIL IN C.M.P. NO. 296 OF 2025 IN CR. NO. RC 2/2022/NIA ON THE FILES OF THE SPECIAL COURT FOR TRIAL OF NIA CASES, ERNAKULAM