

**IN THE COURT OF THE III ADDL. SESSIONS JUDGE /
SPECIAL JUDGE (SPE/CBI)-I, ERNAKULAM**
**Present: Sri. P.K. Mohandas, III Addl. Sessions Judge/
Special Judge (SPE/CBI)-I, Ernakulam**
Wednesday the 13th day of August, 2025/ 22nd Sravana, 1947

Crl.M.P. No. 3558/2025

In

SC No. 1650/2024

Petitioner/Accused No.6 : N. Asifkhan, S/o Nousharkhan, Asif Manzil,
Kizhakkepuram P.O, Ayiroor, Varkala,
Thiruvananthapuram -695310

**By Adv. M/s. Sri. John S. Ralf,
Sri. Vishnu Chandran, Sri.Ralph R.John,
Sri. Giridhar Krishnakumar, Sri.Geethu T. A,
Sri.Mary Greeshma, Sri. Liz Johny and
Sri.Krishnapriya Sreekumar.**

Complainant/Respondent : Central Bureau of Investigation,
**Represented by Smt. Ramya Prasad,
Public Prosecutor, CBI -I Court, Ernakulam.**

This petition is coming on for hearing before me on 13.08.2025 and the Court on the same day passed the following:

ORDER

This is an application filed by the 6th accused u/s. 451 CrPC, seeking interim custody of his mobile phones.

2. The prosecution case is that the petitioner along with others committed criminal conspiracy and physically assaulted the deceased Sidharthan J. S., a student of Veterinary and Animal Science College, Pookode, Wayanad on

the intervening night of 16.02.2024 and 17.02.2024 inside the men's hostel and abetted him to commit suicide. The case was initially registered as Crime No. 77/2024 at Vythiri Police Station, Wayanad. Following the notification dated 09.03.2024 issued by the Government of Kerala and the subsequent notification dated 05.04.2024 issued by the Government of India, the case was transferred to the CBI, Special Crime-II, New Delhi.

3. After the investigation, CBI filed final report before the Chief Judicial Magistrate Court, Ernakulam on 25.04.2024 against 19 accused, including the petitioner, for offence u/s.120B, 341, 323, 324, 342, 355, 306, 506 of IPC and u/s.4 and 3 of the Kerala Prohibition of Ragging Act, 1998, and the case was taken on file as C.P. No.1/2024. The case was committed to the Sessions Court as per the order dated 13.09.2024. The case was taken on file in the present number and made over to this court for trial and disposal.

4. The petitioner filed Crl.M.P. 409/2025 stating that he is arraigned as the 6th accused in the case and after his arrest, his three mobile phones were seized by the police. It include one Redmi NOTE 10 PRO (IMEI 1: 862407055827640/22, IMEI 2: 862407055827657/22, with no SIM card and SanDisk Ultra 128 GB SD card), one iPhone 11 (IMEI 1: 35039491101799, IMEI 2: 1019491172691, with no SIM card), and one Nokia TA 1174 basic mobile phone (IMEI 1: 353111115561951, IMEI 2: 353111118561966) with a BSNL SIM card (94481279909). The current market value of the phones comes approximately ₹1,40,000/- and all his contacts are stored in them. The phones were not used in the commission of the alleged offence. He claimed that he is the

absolute owner of the property. He filed the application for interim custody of the mobile phones.

5. This court as per order dated 19-02-2025 dismissed the application. The petitioner challenged the order in Crl.M.C. 2506/2025 before the Hon'ble High Court. The Hon'ble Court as per order dated 23.07.2025 was pleased to set aside the order of this court and directed this court to release the mobile phones to the interim custody of the petitioner imposing such conditions as this court deems appropriate.

6. This petition is filed for permitting the petitioner to execute the bond and release the mobile phones to his interim custody.

7. I have heard the counsel for the petitioner and the Public Prosecutor.

8. In view of the directions contained in the order of the Hon'ble High Court, the petition is allowed. The mobile phones will be released to the interim custody of the petitioner on following condition:

1. The mobile phones, one Redmi NOTE 10 PRO (IMEI 1: 862407055827640/22, IMEI 2: 862407055827657/22, with no SIM card and SanDisk Ultra 128 GB SD card), one iPhone 11 (IMEI 1: 35039491101799, IMEI 2: 1019491172691, with no SIM card), and one Nokia TA 1174 basic mobile phone (IMEI 1: 353111115561951, IMEI 2: 353111118561966) with a BSNL SIM card (94481279909). shall be released to the petitioner on his executing bond for Rs.2,50,000/- with two solvent sureties each for the like sum.

2. The petitioner shall not delete, alter, or tamper with any existing data in the mobile phone until completion of the trial.
3. Petitioner shall ensure that the mobile phones are charged regularly and is in working condition.
4. The petitioner shall produce the mobile phone before the investigating officer or this Court as and when required during the course of investigation or trial.
5. The petitioner shall file an affidavit stating that he will not raise any objection regarding the genuineness and acceptability of the retrieved data from the mobile phones and sim card as primary evidence, stated in paragraph 4 of the order of the Hon'ble High Court.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 13th day of August, 2025.

Sd/-
P. K. Mohandas
III Addl. Sessions Judge/
Special Judge (SPE/CBI)-I

Appendix: Nil

Id/-
III Addl. Sessions Judge/
Special Judge (SPE/CBI)-I
(By Order)

//True Copy//

Sd/-
Sheristadar.