

IN THE SPECIAL COURT FOR THE TRIAL OF NIA CASES, ERNAKULAM

Present: Sri. Anil.K. Bhaskar, Judge for NIA Cases

Friday the 9th day of December, 2022/18th Agrahayana , 1944

Crl. M.P. No.149/2022 in SC 2/2021/NIA

Petitioner/Accused No.5

T.K. Rajeevan, S/o. Krishnan, Thottumkara House, Pookkode, Chandrasekhara Street, Koothuparamba, Kannur, Kerala.

By Adv. Sri. Thushar Nirmal Sarathy

Respondent/Complainant

Union of India represented by National Investigation Agency, Kochi.

**By Sri. Arjun Ambalappatta
Public Prosecutor, NIA**

This Criminal M.P coming on for hearing before me on 09.12.2022 and the Court on the same day passed the following:-

ORDER

1. The petitioner T.K.Rajeevan (A5) who is in judicial custody detained in High Security Prison, Viyyur moved the above petition through the jail Superintendent seeking escort parole for visiting his wife, son and close relatives.
2. The petitioner is facing trial for the offences punishable under Sections 121 and 122 IPC, 3 r/w 25(1B) (a) Arms Act 1959 and 18A, 20, 38 of Unlawful Activities (Prevention) Act, 120B, 125 of IPC and Sections 38, 39 and 40 of UA(P) Act. He is in judicial custody from 16.11.2020 onwards.
3. The petitioner hails from Koothuparambu in Kannur district. His wife and son is now living with his sister in law in Wayanad District. His wife is from a tribal community. His son is studying in 6th standard. It is submitted that his wife

and son are living under stress. The backwardness of tribal community and the financial insecurity had aggravated the situation. During the last two years of incarceration, only once he obtained escort parole and visited his family. It is submitted that periodical interaction with his school going son is highly necessary to mould his character especially in the present scenario wherein drug abuse among the school going children is on the rise. Petitioner feels that it is his duty and obligation to meet his wife and son and to interact with them on these issues and to appraise his son about the ill effects of drug abuse. It is in this circumstances he moved the above application for escort parole to visit his wife and son and also the close relatives who are residing nearby.

4. Notice served to the learned Public Prosecutor. The learned Prosecutor did not seriously opposed the application, but would submit that the duration of the escort parole shall be limited to the minimum and that stringent conditions are to be imposed to restrict interaction with other people and friends.

5. A report was also called for from the Jail Superintendent. Jail Superintendent is totally against granting escort parole. In the report it is stated that petitioner is involved in two more cases of like nature. It is pointed out that, through out during his remand period he is having regular contact with his family over phone as permitted by jail authorities. Travel restrictions connected with Covid regulations stands completely withdrawn. If the family members really wants to meet the petitioner they can visit the jail. Apart from this, facilities are available in the jail to make whatsapp video calls to family members, but the petitioner has not availed the said facility so far. Moreover petitioner has no case that his wife and

son are suffering from any infirmities which prevent them from visiting the jail. For all these reasons the Jail Superintendent doesn't recommend granting escort parole to the petitioner.

6. Heard both sides.

7. Petitioner is in judicial custody from 16.11.2020 onwards. Earlier on one occasion he was granted escort parole on a day in between 21.05.2022 and 10.06.2022. Thereafter he had no occasion to see his wife and son. They had neither visited the petitioner in jail nor the petitioner was given escort parole. The wife and son are residing in Wayanad. It is not so easy as put in by the Jail Superintendent, for them to come to Thrissur to visit the petitioner who is detained in High Security Prison, Viyyoor in Thrissur district. It shall not be lost sight that petitioner's wife is a tribal woman and his son is only a 6th standard student. The backwardness of the community and other adversities pointed out by the petitioner really aggravate the stress and strain of the petitioner's wife and son. Drug menace is a serious issue. Children are the most vulnerable community. Physical presence of the petitioner and personal interacting with him in a homely atmosphere will boost the self confidence of the petitioner's wife and son. In the same way, to release the stress and strain of incarceration, the prisoner also, requires occasional meeting with family members.

8. As ascertained from the petitioner, his wife and son are residing along with wife's sister Kunjamma and her husband Balan in their house situated at Ukalikunnu, Aawayal, Kolagappara P.O., Ward No.V in Meenangadi Panchayat. Petitioner wants to visit the said house. He also wants to meet his wife's sisters

Thanka and Thankamani, their husbands and their children who are residing nearby. It is submitted that on the date of his visit the relatives mentioned above will be brought to the house wherein petitioner's wife and son are residing.

9. As per Rule 415 of Kerala Prisons and Correctional services (Management) Rules, escort parole to meeting family members is permissible once in every six months. The last escort parole was granted six months before. Considering all these aspects, I find it justifiable to grant escort parole to the petitioner to visit his family members and to spend five hours with them.

In the result, the petition allowed as follows:-

1. The petitioner T.K.Rajeevan (A5) is permitted to visit his wife and son who are residing along with his wife's sister Kunjamma and her husband Balan in their house situated at Ukalikunnu, Aawayal, Kolagappara P.O., Ward No.V in Meenangadi Panchayat, Wayanad District on a day in between 10.12.2022 and 31.12.2022 to spend time with his family members (only the persons mentioned above), inside the house (maximum 5 hours).
2. During his stay at his house, no outsiders or friends will be permitted to visit his house except his wife's sisters Thanka and Thankamani, their husbands and their children. The petitioner shall not attend or make any phone calls.
3. The Superintendent of the Jail where the petitioner is accommodated, shall make all necessary arrangements for the travel with adequate security.

4. The NIA will co-ordinate with the Superintendent of the jail concerned to ensure that adequate arrangements are made for security.
5. Permission is granted to accommodate the petitioner in the nearest District jail or Sub jail if required during transit.
6. The protocol and guidelines issued by the Central and State Governments if any, in connection with the Covid-19 pandemic shall be strictly followed.
7. The Superintendent of jail will report compliance of the order to this court within two weeks from the date of compliance.
8. Issue free copy of the order to the NIA, Jail Superintendent concerned and the petitioner via email.

Dictated to the Confidential Asst., typewritten by her directly to the computer system, corrected and pronounced by me in open court on this the 09th day of December, 2022.

Sd/-
Anil. K. Bhaskar
Judge, Special Court for NIA Cases

Appendix:-Nil

Id/-
Judge, Special Court for NIA Cases
(By Order)

//True Copy//

Sd/-
Sheristadar.