

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

**Present: Sri. P.K. Mohandas, Judge for NIA Cases**

Monday the 30<sup>th</sup> day of September, 2024/8<sup>th</sup> Aswina, 1946

**Cri.M.P. 375/2024**

**In**

**SC.02/2021/NIA**

**Petitioner/Accused No.20** : Aneesh Babu, S/o. Maniyarasu, No. 49,  
North Street, Ambikapuram, Melapalayam,  
Thirunelveli District – 627 005.  
(UT No. 43/24, Central Prison, Thavanur).

**By Adv. Sri. Thushar Nirmal Sarathy**

**Respondent/ Complainant** : Union of India represented by National  
Investigation Agency, Kochi.

**By Sri. Arjun Ambalappatta  
(Senior Public Prosecutor, NIA) and  
Sri. Sreenath.S (Public Prosecutor, NIA).**

This Criminal M.P coming on for hearing before me on 30.09.2024 and  
the Court on the same day passed the following:

2. The petitioner's case is that he has been undergoing detention in  
connection with this case at the Central Prison, Thavanoor since 03.09.2024  
after his transfer from High Security Prison as per the order of this court. It is  
stated that in High Security Prison the he was being unlocked at 6.30 am and  
will be locked-up only at 5.15 pm and there was no lock-up in between. The

petitioner suffers from asthma and take medicines. He requires fresh air and sunlight for breathing, as prescribed by the Medical College in Thrissur. He filed this petition to alleging that he is being locked-up 24 hours a day and thereby tortured in the custody and the 24/7 solitary confinement causes him mental stress and breathing difficulties.

3. The Superintendent of the Jail has filed a detailed report. I have heard the Special Public Prosecutor and the petitioner.

4. When the matter was heard, the petitioner submitted that he is being locked-up in the cell in most of the times of a day. According to him, he is set free only for 2 hours a day. The Superintendent of the jail has reported that inmates are being unlocked at 6.30 am and permitted to do exercise and other activities till 8.30 am. Thereafter they are permitted to go for lunch from 12.00 to 1.30 and thereafter from 3.30 to 5.00 pm. He has explained the difficulties faced by him due to dearth of sufficient staff to ensure the security of the inmates. As per the petitioner is an under trial prisoner involved in UAPA case, it is not possible to permit him to interact with other prisoners. The petitioner was shifted to the Central Prison Viyyur on the basis of the report submitted by the Superintendent of High Security Prison, Viyyur, for security reasons. His demand for more unlock time cannot be entertained unless there is compelling circumstances. In the present case, if he is getting unlock period as reported by the Superintendent, it cannot be said that there is any harassment as complained by him. He has no

complaint of any other mode of harassment in the jail. However, the Superintendent has to ensure that the petitioner is getting equal treatment and facilities that are provided to the other inmates who are involved in similar offences.

In the light of the above discussion, no further order is necessary in this petition. The petition is closed with the above observation. Communicate copy of the order to the petitioner and the Superintendent.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 30<sup>th</sup> day of September, 2024.

Sd/-  
P. K. Mohandas  
Judge, Special Court for NIA Cases

Appendix: Nil

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

// True Copy//

Sd/-  
Sheristadar