

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

Present: Smt. Mini S Das, Judge for NIA Cases

Monday the 12th day of February, 2024 /23th Makha, 1945.

Crl.M.P. No.583/2023 in SC.02/2023/NIA/KOC

Petitioner/Accused No. 32 : Rishil , Age - 26/2023, S/o. Shabudheen,
Rineesh Manzil, Parakkunnam, Koppam,
Palakkad District, Pn – 678 001.

By Adv. Sri. Nireesh Mathew.

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

**By Sri. Ajith Kumar.S
(Special Public Prosecutor, NIA) and
Sri. Sreenath.S (Public Prosecutor, NIA).**

This petition coming on for hearing before me on 12.02.2024 and the Court on the same day passed the following:

ORDER

1. This is a petition filed by the Counsel for the petitioner on behalf of Accused no.32 Sri.Rishil seeking modification of bail conditions (ii) and (iv) so as to leave the limits of Ernakulam district and to exempt from signing before the CMO.

2. The petitioner was arrayed as the 32nd accused in this case. As per the order in Crl.M.P. No.223/2023 dated 26.05.2023, this court accepted the tender of pardon u/s.307 Cr.P.C. Thereafter as per order in Crl.Appeal No.1035/2023 dated 14.07.2023 the Hon'ble High Court of Kerala granted bail to the petitioner on imposing conditions. While granting bail, the Hon'ble High court imposed the bail conditions Nos.ii and iv reads as follows; (ii) "The appellant shall report before the Chief

Ministerial Officer of the trial court between 10 a. m. and 1 p. m. on all Saturdays until exempted by the trial court”, (iv) “The appellant shall remain confined to the limits of Ernakulam District until further orders to be passed by the trial Court”. As per the order in Crl.M.P.363/2023 dated 11.08.2023, this court exempted the petitioner from reporting before the Chief Ministerial Officer of this court on second Saturdays and other Saturdays which are declared holidays and also clarified that he has to report before the CMO on all Saturdays which are working days.

3. According to the petitioner, his family consists of his aged and ailing parents, sister and younger brother. His father used to work as a lottery agent but cannot go for job due to his illness. His mother is a housewife, his sister is married, and his younger brother is a student. The petitioner is the sole breadwinner of his family. Now, the petitioner has been offered a salesman's job by his cousin at a mobile shop named 'Mobile Boys' in Coimbatore. Hence, he seeks relaxation of bail conditions nos. (ii), (iv).

4. Heard both sides.

5. The learned Special Public Prosecutor reported that the Condition No.ii in the bail order can be modified as “ the appellant shall report before the Chief Ministerial Officer of the trial court between 10 a. m. and 1 p.m. on fourth Saturdays of every month until exempted by the trial court”. The condition No. iv can be modified as the appellant shall limit the movements to the States of Kerala and Tamil Nadu until further order to be passed by the trial court.

6. Considering the request and the report of the learned Special Public Prosecutor, I am of the view that the petition can be allowed and the bail condition nos. ii and iv can be modified as, “(ii) The petitioner shall report before the Chief Ministerial Officer of the trial court between 10 a. m. and 1 p.m. on the fourth Saturdays of every

month until further orders, (iv) The petitioner shall be at liberty to travel within the States of Kerala and Tamil Nadu. The petitioner shall be at liberty to travel the State of Tamil Nadu only for performing his job as a Salesman.”

In the result, this CrI.M.P. is allowed. Condition Nos. ii & iv are modified as follows:-

- “(ii) The petitioner shall report before the Chief Ministerial Officer of the trial court between 10 a.m. and 1 p.m. on the fourth Saturdays of every month until further orders.
- (iv) The petitioner shall be at liberty to travel within the States of Kerala and Tamil Nadu. It is made clear that the petitioner is given liberty to travel the state of Tamil Nadu only for the purpose of performing his job as a Salesman.”

All other conditions shall remain as such.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 12th day of February, 2024.

Appendix: Nil

//True Copy//

Sd/-
Mini S Das
Judge, Spl. Court for NIA Cases

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

Sd/-
Sheristadar