

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

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

Monday the 15th day of May, 2023/25th Chaithra, 1945

Crl. M.P. No.218/2023

In SC No. 02/2023 NIA

Petitioner/Accused:-

Firoz @ Thambi , Aged- 33/2022 S/o
Muthaleef, 13/574 Kammanthara,
Kavilpadu, Puduppadiyaram, Palakkad.

By Adv. P.C.Noushad
By Adv. Muhammed Rifa
By Adv. Wakarulislam K.S.

Respondent/Complainant:-

Union of India represented by National
Investigation Agency, Kochi

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

This petition is coming on for hearing before me on 15.05.2023 and the Court on the same day passed the following:

Order

1. This petition is preferred on behalf of the petitioner Firoz @ Thambi (RP No.152/22) who is in judicial custody presently detained in Central Prison, Thavanoor, Malappuram, seeking escort parole for visiting his father who is aged and ailing.

2. The petitioner is accused no.20 in the above case. He was arrested on 10.02.2023 and from that date onwards he is in judicial custody. He is presently detained in Central Prison, Thavanoor, Malappuram. His father is aged and bedridden for many years. His mother is also aged and is suffering from age related ailments. His aged and infirm parents are not in a position to visit the jail to see their son. After his arrest parents were not able to see him. Petitioner cherish a wish to see his father and feed food to him, probably if not allowed right now, will not be able to do it for ever. For all these reasons,

petitioner prays for an escort parole to visit his ailing father.

3. A report was called for from the Jail Superintendent. It is submitted that Rule 415 (2) of the Kerala Prisons and Correctional Services (Management) Rules, 2014 stipulates that convicted prisoners who are not eligible for any kind of leave are eligible for escort parole with police escort to meet and spend time with their ailing parents, but that provision is not applicable to under trial prisoners, otherwise the concerned court shall grant escort parole.

4. The learned prosecutor who received notice on behalf of prosecution doesn't seriously oppose the application but insisted for imposing stringent conditions to ensure that the petitioner shall not misuse the escort parole to meet outsiders so as to adversely interfere in the evidence collected by the prosecution.

5. Heard both sides. The investigation in this case is over and final report already filed. There is nothing to apprehend any interference from the side of the accused during the course of the investigation. Secondly, here is a case wherein the parents of the petitioner are not in a position to visit the petitioner in jail due to their advanced age and ailments. In this circumstance, I find it justifiable to grant escort parole to the petitioner to meet and spend time with his ailing father from his house for a reasonable time of about three hours subject to the usual conditions to ensure the safety and security of the petitioner and also to protect the interest of the prosecution.

In the result, the petition allowed as follows:-

1. The petitioner A20 Firoz @ Thambi is permitted to visit his house at "13/574, Kammanthara, Kavilpad, Pudukkottai, Palakkad district" on a day in between 16.05.2023 & 03.06.2023, in order to meet his ailing father Muthaleef who is residing in the said house and to spend time with him for three hours.
2. During his stay at his house, the petitioner shall not contact any outsiders except

his blood relations or wife and he shall not attend or make any phone calls.

3. The Superintendent of the Jail where the petitioner is accommodated, shall fix the date and 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. The protocol and guidelines if any issued by the Central and State Governments in connection with the Covid-19 pandemic shall be strictly followed.
6. The Superintendent of jail will report compliance of the order to this court within two weeks from the date of compliance.
7. Issue free copy of this order to both sides. Forward a copy to the Jail Superintendent via email for information and compliance. Jail superintendent shall serve a copy to the petitioner.

Dictated to the Confidential Asst., typewritten by her directly to computer system, corrected and pronounced by me in open court on this the 15th day of May, 2023.

Appendix: Nil

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

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

//True copy//

Sd/-
Sheristadar.