

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

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

Monday the 3rd day of July, 2023/ 12th Ashadha, 1945

Crl.M.P. No.288/2023

In

SC.2/2023/NIA

Petitioner/Accused No.18: : Ummar.T @ Manu, Tharayil House, Muthanikkuzhi kalladippotta, Kondoorkkara Post, Ongallur, Pattambi, Palakkad District, Kerala

By Adv.P.C Noushad, Adv. Muhammed Rifa and Adv.Wakarul Islam

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

Represented by Adv. Ajith Kumar.S (Special Public Prosecutor), Adv. Sreenath.S (Public Prosecutor)

This petition is coming on for hearing before me on 03.07.2023 and the Court on the same day passed the following:

ORDER

1. This petition is preferred on behalf of the petitioner A18 Ummar. T @ Manu (RP No.472/22) who is in judicial custody presently detained in District Jail, Palakkad, seeking escort parole to visit his aged parents.

2. The petitioner is accused no.18 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 District Jail, Palakkad. His father is aged 86 years and mother is aged 75 years. They are residing along with the wife of the petitioner. After his arrest parents were not able to see him. In this circumstance petitioner moved the above

application for escort parole to visit his aged, sick and infirm parents.

3. When the petitioner was produced on VC today, he submitted that the health of his aged parents have been deteriorated considerably and their condition is very weak. He made an earnest submission to consider his request at the earliest.

4. 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.

5. The learned prosecutor opposed the application for the reason that any leniency shown to the accused who are involved in terrorism related cases will be counter productive. It is pointed out that no documents were produced to prove the condition of the aged parents.

6. 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 adversely affecting the investigation. It is true that no medical certificate has been produced from the side of the petitioner. This is an application moved from the jail. He will not be in a position to get medical certificate. Any way, both the parents of the petitioner are of very advanced age. It is not possible for them to carry out jail visit to see their son. This is the first application moved by the petitioner for escort parole. I don't find anything to disbelieve the statement made

by him before the court. In this circumstance, I find it justifiable to grant escort parole to the petitioner to meet and spend time with his aged and ailing parents 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 A18 Ummar. T @ Manu is permitted to visit his house at “Tharayil House, Kalladippotta, Munjanikuzhi, Pattambi/Ongallur Panchayath, Palakkad district” on a day in between 05.07.2023 & 04.08.2023, in order to meet his aged parents 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 03rd day of July, 2023.

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