

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

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

Friday the 31st day of October, 2025 / 9th Karthika, 1947.

Crl.M.P. No. 449/2025 in SC No. 02/2023 NIA

Petitioner/Accused No. 39 : Sahad.M, Age-23/2023, S/o.Muhammed Basheer, Parappathodi House, Industrial Estate, Thazhemurali, Pudukkottai, Palakkad District, Kerala.

By Adv. Sri. Wakarulislam. K.S.

Respondent/Complainant : National Investigation Agency, represented through Public Prosecutor, Special Court for trial of NIA Case, Ernakulam.

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

This petition is coming on for hearing before me on 28.10.2025 and the Court on 31.10.2025 passed the following:

ORDER

This is an application for modification of the conditions in the order granting bail.

2. The petitioner is the 39th accused in this case. The petitioner was granted bail by the Hon'ble High Court as per order dated 11.09.2025 in Crl.A. No.2289/2024 and this court, released him as per order dated 11.09.2025 in Crl.M.P. No.414/25, imposing certain conditions. The condition Nos. 2, 3 & 6 are as follows; (2) The petitioner shall remain in the revenue district of Ernakulam, till the trial is over; (3) If the petitioner intends to leave the

Ernakulam district, he shall obtain prior permission from this court; (6) The petitioner shall report before the investigating officer of the NIA on every Saturday and Wednesday between 10.00 a.m. and 11.00 a.m. As per the 10th condition, if the petitioner intends to seek modification of any of these conditions he shall file an application before this court.

3. According to the petitioner, he is suffering from various illnesses, such as piles, fatty liver and a bent in nasal bone. The petitioner is suffering from allergy, headache and breathing problem due to a bent in nasal bone and his doctor has prescribed surgery. He was working as a daily-wage employee in FCI, but could not obtain a job in Ernakulam due to his illness and lack of experience. The petitioner is now residing in a single room at Ernakulam and he cannot prepare meals according to his doctor's advice. His parents are residing in Palakkad. His father is a cardiac patient and works as a rickshaw driver to support the family. The petitioner has lived with his family for the past three and a half years. Other accused have been released on bail and reside in their native districts. There is no case to the respondent that the petitioner may tamper with evidence or influence witnesses. He seeks modification of condition Nos. 2, 3 and 6 and undertakes to abide by any condition imposed by the court.

4. The Special Public Prosecutor opposed the application, stating that the petitioner has been on bail for less than two month and the reasons stated in the petition are not that of urgent nature. The petitioner has every

opportunity to undergo his treatment in the district of Ernakulam and his parents can visit him at any time. If the petitioner is permitted to leave the revenue district of Ernakulam and to stay at Palakkad, there is a possibility of law and order disturbances and security concerns.

5. I have heard the counsel for the petitioner and the Special Public Prosecutor.

6. This petition is filed for modification of the conditions imposed on the petitioner while releasing on bail. The allegation against the petitioner in the final report is that he being a cadre and Secretary of Puthupariyaram unit of PFI, knowingly and intentionally became a member of the terrorist gang formed to commit the terrorist act, participated in the conspiracy to enact the India 2047 agenda of PFI and he went to Sanghuvaramedu with A22 to collect weapons for committing the murder of Srinivasan and handed over to the assailants. The petitioner allegedly committed the offence u/s.120B, 34, 109, 115, 118, 119, 143, 144, 147, 148, 153, 341, 302, 201, 212 R/w.s.149 IPC, r/w.s.302 IPC and other offences, including offence punishable chapter IV and VI of the UA(P) Act.

7. The Hon'ble High Court as per order dated 11.09.2025 in Crl.A. No.2289/2024 granted bail to the petitioner and directed this court to release him on such conditions that may be fixed by this court, including those enumerated in the order. As directed by the Hon'ble High Court, the petitioner was released on bail 11.09.2025.

8. Now, the petitioner wants to get the bail conditions modified on the ground that he is suffering from illness. It is contended by the learned counsel for the petitioner that as per clause No.10 of the order dated 11.09.2025 of this Court in Crl.M.P.414/2025, the petitioner is permitted to move before this court to modify the bail conditions. It is true that in clause No.10 it is stated "*If the petitioner intends to seek modification of any conditions of this order, he shall file an application before this court, which will be considered and decided on merits.*"

9. I may extract the relevant portion of the order of the Hon'ble High Court :

"22. Crl.A. No.2289/2024 will stand allowed. The appellant shall be released on bail on executing a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Special Court. It shall be open to the Special Court to impose such additional conditions as it may deem fit and necessary in the interest of justice. However, the conditions shall mandatorily include the following:

1. If the appellant intends to leave the Revenue District of Ernakulam, he shall obtain prior permission of the Special Court.
2.
3. The appellant shall report before the investigating officer, NIA, on every Saturday and Wednesday between 10 a.m. and 11 a.m.

till the end of the trial. However, it would be open for the appellant to seek modification before the Trial Court, and if any such application is filed, the same shall be considered on its merits and appropriate orders shall be passed.

4.

In the event of any breach of the aforesaid conditions or any other conditions that may be imposed by the Special Court in addition to the above, it shall be open to the prosecution to move for cancellation

10. A reading of the order of the Hon'ble High Court makes it clear that the Court wanted the petitioner to remain in Ernakulam district, except on occasions when he is permitted to leave the district, by this court. That shows that he shall ordinarily be available in Ernakulam district. The result portion of the order extracted above makes it further clear that the conditions enumerated in the order are mandatory and this Court has no power to alter or modify the same. Clause 3 of the operative portion shows that the power of modification of the conditions is given to this court only in respect of clause 3, i.e, pertaining to appearance before the investigating officer and not in respect of any other conditions fixed by the Hon'ble High Court. So, even though, inadvertently, clause 10 of the order of this court permits the petitioner to move before this court to alter or modify any of the conditions, the power of this court is restricted only to the additional conditions imposed by this court and clause

3 of the order of the Hon'ble High Court. So, this petition is not maintainable before this court and the petitioner has to approach the Hon'ble High Court.

11. On the merit also, the petition is not entitled to any relief. The petitioner wants to reside outside the Ernakulam district, with his parents at Palakkad, on the ground that he is suffering from various ailments. According to him, he has piles, fatty liver and bend on his nasal bone. The certificate of Dr.Subrata Sarkar, stated to be a Registered BAMS doctor, does not show that there is any emergency. Further, it shows that he is getting treatment for piles under that doctor from 26.09.2025. The copies of the medical records of Government Medical Collage, Ernakulam show that there is only Grade I fatty liver and slight deviation of the nasal septum to right. The records show that he is getting proper treatment. There is no threat to the health or a situation of medical emergency as claimed by the petitioner. Further, better treatment is available at Ernakulam.

12. The petitioner is one of the conspirators in the commission of the terrorist act of murder of Srinivasan and it is alleged that it was he who handed over weapons to the assailants. He is the Secretary of PFI, Puthuppariyaram unit. The contention of the learned counsel for the petitioner is that the other accused in the case are permitted to reside in Palakkad district and the petitioner is also entitled to the same benefit. The petitioner was granted bail by the Hon'ble High Court on 11.09.2025. Even before that, the High Court had granted bail of some of the other accused by different orders and the conditions are not exactly the similar. While granting bail to the petitioner and fixing the mandatory conditions, the Hon'ble High Court has considered all the

facts and circumstances of the case. Specific mandatory conditions are fixed by the Hon'ble Court with some purpose. So, the petitioner cannot plead for parity of bail conditions. Since the terrorist act of murder of Srinivasan took place in Palakkad town and the petitioner is the Secretary of the PFI unit, permitting him to stay at Palakkad may create law and order problems. Further, the illness narrated in his petition and narrated above are not sufficient to modify the bail conditions. So, on the merit also, the petitioner is not entitled to any relief.

13. From the above discussion it can be seen that this petition is not maintainable before this court and on the merit also the petitioner is not entitled to get the relief claimed in this petition. However, it is made clear that if the petitioner wants to leave Ernakulam district for a short duration for any urgent need, he is at liberty to seek leave of this court.

14. In the light of the above discussion, the petition is only to be dismissed.

In the result, the petition is dismissed.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 31st day of October, 2025.

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.