

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

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

Friday the 9th day of June, 2023/ 19th Jyaishta, 1945

Crl. M.P. No.259/2023 in SC.02/2023/NIA

Petitioner/Accused No.7 :- : M.M. Mujeeb (A7), S/o. Muhammed,
Manakuzhakkal House, Nadackal, Karakkad,
Erattupetta Division, Erattupetta, Kottayam District.

By Adv.Sri. P.K. Abdurahiman

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

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

This Criminal M.P coming on for hearing before me on 09.06.2023 and the Court on the same day passed the following:

ORDER

1. This petition is preferred on behalf of the petitioner/A7 M. M. Mujeeb (RP No.611) who is in judicial custody presently detained in High Security Prison, Viyyur, Thrissur seeking escort parole for visiting his father who is aged and ailing.

2. The petitioner is accused no.7 in the above case. He was arrested on 22.09.2023 and from that date onwards he is in judicial custody. He is presently detained in High Security Prison, Viyyur, Thrissur. His father M. H. Muhammed, aged 73 years is bedridden and he is suffering from CAD, COPD & chronic urethral problems and recently undergone surgery and his mobility considerably reduced. This is clear from the medical certificate attached along with the petition. His aged and infirm father is not in a position to visit the jail to see his son. After his arrest,

petitioner's father was not able to see him. 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 opposed the application pointing out that the petitioner is being involved in terrorism related case, any leniency shown will be counter productive. It is submitted that if the court is pleased to allow the application, stringent conditions are to be imposed 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 in the collection of evidence by the prosecution. Here is a case wherein the father of the petitioner is not in a position to visit the petitioner in jail due to his 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 A7 M. M. Mujeeb is permitted to visit his house at "Mankuzhakkal house, Karekkadu, Erattupetta, Kottayam district" on a day in

between 13.06.2023 & 03.07.2023, in order to meet his ailing father M.H. Muhammad Kutty who is residing in the said house and to spend time with him for three hours.

2. During his stay in the 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 09th day of June, 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