

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

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

Thursday the 24th day of August, 2023/2nd Bhadra, 1945

Crl.M.P. No.244/2023

In

SC.02/2023/NIA/KOC

Petitioner/Accused

- Ali K @ Ragam Ali **(A38)**, Age-56/2023,
1. S/o.Moideenkutty,Kunnathu House, Umi Kunnu, Pattambi- Post, Palakkad District, Kerala.
 2. Fayas **(A40)**, Age-29/2023, S/o. Abdul Rahseed, RMF Manzil, Behind Jamat Mosque Thottupalam, Chadanamkurussi, Nurani Post, Palakkad District, Kerala.
 3. Saddam Hussain M.K **(A41)**, Age-31/2023, S/o. Ali, Mulayankayil House, Kallamkuzhi, Kanjirappuzha- Post, Mannarkkad, Palakkad District, Kerala.
 4. Ashraf **(A44)**, Age-30/2023, S/o.Sainudeen, Kallamparambil House, Laksham Veedu, Kavilpad, Olavakkode, Palakkad District, Kerala.
 5. Akbar Ali **(A45)**, Age-26/2023, S/o.Farooq, Behind Suraj Dry Fruits, Pezhumkara, Pallipuram PO, Palakkad District, Kerala.(Permanent Address: 4/319, Subaida Manzil, Sankuvarathode, Kalapathy, Palakkad District, Kerala.
 6. Nishad **(A46)**, Age- 39/2023, S/o. Aboobacker, 14/17, Nishad Manzil, Palliparambu, Pudanur Mundur, Palakkad District, Kerala.
 7. Rasheed K.T @ Kunjuttu **(A56)**, Age- 41/2023, S/o. Assainar, Kottilingal Thodi, Mannengode, Karinganad, Koppam, Pattambi, Palakkad, Kerala.

8. Saidali @ Muthu **(A57)**, Age- 38/2023, S/o.Moosa, Thottingal House, Kulukkallur, Mappattukara, Koppam, Pattambi, Palakkad District, Kerala.

9. Noushad.M **(A58)**, Age-41/2023, S/o. Avara, Mullapatta, Pattambi (via), Vilayur West Post, Palakkad District, Kerala.

By Advs. Sri. Abdul Latheef M.P and Sri. Abdurahiman P.K

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 is coming on for hearing before me on 18.08.2023 and the Court on 24.08.2023 passed the following:

ORDER

1. This CrI.M.P. application is filed u/s.439 of the Code of Criminal Procedure for releasing the petitioners/accused No.38 Sri. Ali K. @ Ragam Ali, Accused No.40 Sri.Fayas, Accused No.41 Sri.Saddam Hussain M. K., Accused No.44 Sri.Ashraf, Accused No.45 Sri.Akbar Ali, Accused No.46 Sri.Nishad, Accused No.56 Sri.Rasheed K. T. @ Kunjuttu, Accused No.57 Sri.Saidali @ Muthu, Accused No.58 Sri.Noushad M. on bail.

2. The brief facts of the case are as follows:- The Central Government had received credible information that, the office bearers, members and cadres of Popular Front of India (PFI), a registered society and its affiliates in Kerala have conspired to instigate communal violence and radicalize its cadres to commit terrorist acts in the State of Kerala and various other parts of the country. The PFI members and office bearers based at Kerala having earlier association with

proscribed terrorist organisation SIMI, maintain operational nexus with other proscribed international terrorist organisation like Lashkar-e-Taiba (LeT), Islamic State of Iraq and Syria (ISIS)/Daesh and Al-Qaida. Some of the members of PFI cadres are also the members of these proscribed terrorist organisations. PFI has created organisational web which is stretched to recruit vulnerable Muslim youths into proscribed international terrorist organisations to commit terrorist acts. PFI and its members are also indulging in activities prejudicial to the maintenance of harmony by creating feeling of enmity between people of different religions and groups through violent speeches, publications, articles, social media posts etc. with intention to disrupt public tranquility and have been seen to have organised movement intending that the participants be trained to use criminal force against people of other religions and groups such as to cause terror, fear and alarm besides feeling of insecurity among members of other religion and groups. In the last few years, they have been responsible for many violent incidents and murders in Kerala that have created terror in the minds of general public. PFI, its members and office bearers are also indulged in Unlawful Activity with the intention to cause disaffection against India by inciting people and innocent Muslims to defy Government and Institutions established by law and thereby commit disruption of sovereignty and integrity of India.

3. The Central Government formed an opinion that the above activities of the Popular Front of India are offences that attract sections 120B, 153A of IPC and sections 13, 18, 18B, 38 and 39 of UA(P) Act, 1967 which are scheduled offences to the National Investigation Agency Act, 2008. Considering the gravity of the offences and its repercussion on National Security, the Government of India,

Ministry of Home Affairs, CTCR Division vide order No. 11011/82/2022-NIA dated 16.09.2022, directed the NIA to take up investigation of the aforesaid case. Accordingly, the case was registered as RC.02/2022/NIA/KOC at NIA Police Station, Kochi on 19.09.2022 under sections 120B, 153A of IPC and sections 13, 18, 18B, 38 and 39 of UA(P) Act, 1967 and the FIR was submitted in this court.

4. Investigations had revealed that Crime No.318/2022 of Palakkad Town South P.S. (Srinivasan Murder Case) is a connected offence in terms of section 8 of NIA Act and therefore, the Government of India, Ministry of Home Affairs, CTCR Division, vide its order No.11011/82/2022/NIA (Part) dated 19.12.2022 directed NIA to investigate the FIR No. 318/2022 dated 16.04.2022 of Palakkad Town South PS, Palakkad, Kerala as per provision of section 8 of NIA Act, 2008. In pursuance to the order issued by Government of India, MHA dated 19.12.2022 and subsequent Orders of Hon'ble High Court of Kerala and Jurisdictional Court, the case records and materials relating to that case were transferred to this Hon'ble Court on 30.01.2023 and the case diaries were taken over by the NIA on 02.02.2023.

5. In the said Crime No.318/2022 of Palakkad Town South Police Station, PFI leaders and members conspired together with the intention to create terror and communal divide in the society, conducted intense recce of several Hindu Leaders of that locality whom they had short-listed using their "Reporter Wing" and subsequently selected and brutally killed one Srinivasan, who was available. Kerala Police had filed a charge-sheet in this case against 44 accused for offences under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious

Institutions (Prevention of Misuse) Act, 1988.

6. Investigation revealed that Popular Front of India (PFI), a registered society registered under the Societies Registration Act, 1860, vide the Registration No. S/226/Distt. South/2010, New Delhi, was formed in 2006 in Kerala with the merging of three radical organizations with extremist ideologies viz. - National Democratic Front (NDF) from Kerala, Manitha Neethi Pasarai (MNP) from Tamil Nadu and Karnataka Forum for Dignity (KFD) from Karnataka. The founder leaders of PFI were former cadres and leaders of Students Islamic Movement of India (SIMI), an organisation proscribed by the Government of India in 2001. The Popular Front of India (PFI) has the strongest presence in Kerala, where it has been repeatedly involved in cases of murder, rioting, intimidation, and having links with terrorist organisations.

7. The PFI possesses a well-knit organizational setup with various functional bodies viz. Unit, Area Committee, Division Committee, District Committee, State General Assembly, State Executive Committee, State Secretariat, National General Assembly, National Executive Committee and Central Secretariat. The 15 Member National Executive Committee is the supreme decision-making body which frames policies and formulates programs of the organization. Unit is the basic level of the organization and each unit has 30 to 40 members with Unit President and Secretary reporting to Area Committees normally comprising of not less than 03 and maximum of 10 Units. Each Area Committee has a President and a Secretary. 3 to 10 Area Committees form a Division Committee, which is headed by a President and a Secretary and reports to District Committee and 3-10 Divisions form a District Committee headed by a President

and upto 03 Secretaries. 02 or more District Committees form a Zonal Council headed by Zonal President and a Zonal Secretary, nominated by the State President with the approval of State Executive Council. State Executive Council comprises of upto 19 members including State President, State General Secretaries, Secretaries and members. National Executive Committee (NEC) which is the supreme decision-making body of PFI comprising of Chairman, Vice-Chairman, General Secretary, Treasurer and Secretaries. Selections to the NEC are made by National General Assembly (NGA).

8. PFI has frontal organisations like Rehab India Foundation (RIF), Campus Front of India (CFI), All India Imams Council (AIIC), National Confederation of Human Rights Organization (NCHRO), National Women's Front (NWF), Junior Front, Empower India Foundation and Rehab Foundation, Kerala besides with their political wing 'Social Democratic Party of India' (SDPI). On 28.09.2022, the Government of India declared Popular Front of India and its affiliates/ frontal organisations as an Unlawful Association as per the Unlawful Activities (Prevention) Act, 1967.

9. Popular Front of India (Accused No.1), its office bearers, leaders and members besides their affiliates hatched larger conspiracy since last few years in Kerala and outside Kerala, with their agenda to overthrow the democracy in India and to implement Islamic Rule in India by 2047, for which they prepared structured stages of progression. In pursuance to their plans, they intended to unite Muslims under the Flag of PFI, endeavour mass mobilization under the leadership of PFI, form close alliance with SCs/STs/OBCs through their political wing SDPI, and win election in few seats initially, create split between the community/groups in the

Society, project the strength of PFI through uniformed march and physically intervening in the defiance of Muslim community and stockpiling of weapons and explosives. Finally, in the fourth and final stage PFI has planned that the party (SDPI) should become the undisputed leader and representative of entire Muslim community by side-lining all other Muslim organizations, gain political power, intrude the loyal cadres in judiciary, army and police, eliminate those go against the interest of PFI and recruit enough trained cadres and stockpiling of arms to declare new Constitution based on Islamic Principles.

10. In pursuance to their larger conspiracy, PFI had established 03 Wings - 'Reporters Wing', 'Physical and Arms Training Wing/PE Wing' and 'Service Wing/Hit teams'. Through their 'Reporters Wing' which is a quasi-Intelligence Division of the PFI, the PFI collected private and personal information of prominent personalities of society besides leaders of other communities, especially the Hindu Community, including their day-to-day activities. The data is compiled at the PFI District level and communicated to their State hierarchy. The details are regularly updated and utilised to "Target" the individuals as and when required by the terrorist gang. The PFI had trained its cadres for collection of such data and had stored them besides providing the same to their assault teams in 'Service Wing' for attack as and when decided by their leadership.

11. In further pursuance to their agenda, the PFI through their Arms Training Wing, prepared Master Trainers to impart uniform physical and arms training under a common syllabus with set course to their cadres in various stages under the guise of Yoga Training Programmes, Rescue and Relief activities, Martial arts and other Physical Development activities. The PFI devised the program to

filter the cadres through various stages and gave arms and explosives training to selected cadres through these stages. PFI used their various facilities and affiliated institutions including the institutions run in the name of 'Trusts' besides other places for conducting such training camps and for conducting secret meetings. The PFI used these trained cadres for eliminating shortlisted targets based on the decisions of their leadership as and when required. The PFI also used such selected cadres as executioners of the decisions of their pseudo-Court – "Darul Khada".

12. The PFI used their 'Reporters' and 'Service Wing' to eliminate many targeted personalities in Kerala. The PFI, its office bearers and cadres had conspired to commit terrorist act by killing any targeted person of other religion/section of the society to create terror in the minds of other community and public at large. In furtherance to that, PFI leaders and cadres carried out intensive recce on members of other religion, particularly Hindu community and compiled the same for targeting through their 'Service Wing/Hit teams'.

13. PFI, its leaders and cadres had, on many occasions, conspired to target innocent persons merely for being a prominent member of other community. They do recce of several persons of the other community listed through their "Reporter Wing" and search for their presence on the intended day of elimination and available person is executed by their "Service Wing/ Hit Team". The whole process has created terror and fear in the minds of public at large. Fearing such targeting, people stay away from their home for long period.

14. In murder cases involving PFI cadres, including the one in Crime No.318/2022 of Palakkad Town South Police Station, none of the accused had any personal enmity with the deceased. The victims have been selected solely because

of their leadership/ membership to a particular community and were killed to create terror in the society. Several persons were reced to become possible target. Out of fear, most of such targets, stayed away from their home and available person, Srinivasan, was therefore selected and brutally killed. The PFI has been targeting people from different community as a part of their larger plan to achieve their objective to strike terror among the members of such organisation and community. The PFI through such acts intended to disturb harmony among the society and to terrorise people within the society with a view to create sense of fear and insecurity in their minds. The PFI also intended to instil confidence among their cadres by executing such acts. The plans so made were executed to prevent any defiance of their command in future, in one such specific incident in pursuance to their larger conspiracy, leaders and accused persons being members of Popular Front of India (PFI) conducted conspiracy at various places in Palakkad on 15th and 16th of April 2022, conducted reconnaissance of residences belonging to several leaders from Hindu community who appear in their target-list and chose and decided to eliminate one prominent Hindu leader named S. K. Sreenivasan of Palakkad. They in furtherance to the conspiracy, set out to commit that terrorist act on 16.04.2022 for which 05 accused persons (Accused No.17 to Accused No.21) came on 03 two-wheelers, three of whom criminally trespassed into SKS Autos situated at Melamuri, Pallippuram, Palakkad being run by S. K. Sreenivasan and inflicted grievous injuries on Sreenivasan and killed him by hacking his head and other parts of his body with choppers which the assailants were carrying with the sole intention and purpose to brutally murder him, so as to create terror in the minds of other community and public at large. The above act of murder is in furtherance of

the larger conspiracy of A-1 (PFI) to create terror. Kerala Police filed charge sheet against 44 accused persons regarding incident in that Cr. No.318/2022 of Palakkad Town South Police Station under sections 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988.

15. The investigation revealed that founder leaders of PFI were formerly associated with the proscribed organisation Student Islamic Movement of India (SIMI) and also revealed that the former SIMI cadres active in PFI have been instilling SIMI ideology to the cadres of PFI with the intention to fight against non-Muslims to convert India into Islamic State through violent jihad. Some of the cadres and leaders of PFI had joined the proscribed terrorist organisation ISIS for furthering its activities in India and abroad. The leaders of PFI had justified the activities of cadres in support of the proscribed terrorist organisation ISIS and were found with the possession of ISIS propaganda videos and documents for propagation. Investigations also revealed that some cadres of PFI who joined ISIS were also arrested and convicted for those offences. PFI was involved in various unlawful activities including delivery of alternate justice through enforcing Islamic Law.

16. The PFI, its leaders and cadres have incited the people by provocative speeches and slogans to cause communal disharmony. The activities and veiled objectives of PFI have strong communal and anti-national agenda to establish an Islamic rule in India. To achieve this, they conduct stage wise radicalisation of Muslim youths, mainly through their Tharbiyath Classes, Showing of Videos, Taking Lectures and Ensuring allegiance through Bayath (oath) to the PFI in the name of

Allah. During their Tarbiyath classes, the PFI radicalise vulnerable youths by communalising and magnifying stray incidents against Muslims with the intention to undermine democracy and establish Islamic Rule in India by subverting the Constitution. The gullible Muslim youths were radicalised and motivated against the so called kafirs or non-believers and all who were opposed to their ideology including the members of Muslim community, Government and leaders of Hindu organisations by repeatedly showing videos and photos of incidents such as Babri Masjid demolition, Gujarat riots, mob lynching etc. to portray that the whole Muslim community in India are being targeted and oppressed by the entire State machinery and Government agencies.

17. Besides membership fee, PFI solicits funds as Donation campaigns in mosques and madrasas particularly targeting Eid/ Ramadan and other Muslim festivities in the guise of Zakaath for charity, sustenance of families of jailed cadres etc from within India and abroad.

18. In furtherance to the larger conspiracy, the accused in the case conspired at various places to indulge in Unlawful Activity for creating enmity between members of different religions and groups prejudicial to maintenance of harmony with the intention to disrupt public tranquility and cause disaffection against India, propagating alternative justice delivery system and justifying the use of criminal force causing alarm and fear amongst general public. The accused in this case have also encouraged vulnerable youths to join terrorist organisation - ISIS/Daesh for furthering its activities. They also being a part of terrorist gang formed by PFI, caused to recruit the cadres of PFI to that terrorist gang, collected the details of various leaders of Hindu community and the members of its

organisations through their "Reporter Wing". They have attended, conducted, supervised and imparted physical and arms training to the cadres of PFI, planned to stock weapons and explosives, possessed arms for preparing them to commit terrorist acts with intention to establish Islamic Rule in India. PFI, its office bearers and members had also conspired to prepare its cadre for proactive violent actions to counter the perceived threat in order to create terror in the minds of people. In furtherance to that, accused in this case knowingly and intentionally took part in the conspiracies hatched at Palakkad on 15th and 16th of April 2022, for committing the terrorist act of murdering any prominent leader of Hindu community or its organisation to create terror in the minds of Hindu community and public at large which has resulted in the murder of Srinivasan on 16.04.2022 at Palakkad. Accused also committed offence of destruction of evidence and knowingly harboured the accused in this case after commission of the terrorist act.

19. On completion of investigation against Accused Nos.1 to 14, 16 to 19, 21 to 26, 29 to 40, and 42 to 63 and 66 after obtaining the sanction from appropriate authorities final report has been filed against above mentioned 59 accused on 17.03.2023, under sections 120B, 34, 109, 115, 118, 119, 143, 144, 147, 148, 449, 153A, 341, 302, 201, 212 r/w 149, 120B r/w 302 of IPC, Section 3(a) (b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988, Section 13, 16, 18, 18A, 18B, 20, 22C, 23, 38 & 39 of Unlawful Activities (Prevention) Act, 1967 and Section 25 (1) (a) of Arms Act.

20. On 17.03.2023 final report is filed. 68 accused persons were arrested in this case, out of which 52 accused persons are in Judicial Custody and four accused were made as approvers and are on bail. The first accused is the PFI

organisation. Accused No.41 is no more and the remaining 10 accused are absconding.

21. The learned counsel for the petitioners submit that the petitioners are totally innocent of the allegations leveled against them that even if the allegations are accepted, only bailable offences have been made out against the petitioners, that no credible evidence has been collected by the investigating agency to implicate the petitioners in the commission of the offence aforesaid that the petitioners had never been associated with PFI or any such organisation and that merely because the petitioners herein were members of the SDPI a registered political organisation they were implicated in this case.

22. According to the learned Special Public Prosecutor the evidence collected during investigation would prima facie reveals the complicity of the petitioner/accused in the commission of the alleged offences. Regarding the grant of bail Subsection 5 of Sec.43D of Unlawful Activities (Prevention) Act is relevant. Section 43D (5) reads as follows:-

“(5) Notwithstanding anything contained in the Code, no person accused of an offence punishable under Chapters IV and VI of this Act shall, if in custody, be released on bail or on his own bond unless the Public Prosecutor has been given an opportunity of being heard on the application for such release:

Provided that such accused person shall not be released on bail or on his own bond if the Court, on a perusal of the case diary or the report made under section 173 of the Code is of the opinion that there are reasonable grounds for believing that the accusation against such person is prima facie true.”

23. The stringent condition for grant of bail in Subsection 5 of Sec.43D will apply only to the offences punishable under chapters 4 and 6 of the Act. In this case, final report has been filed against accused alleging offences punishable

Under sections 120B, 34, 109, 115, 118, 119, 143, 144, 147, 148, 449, 153A, 341, 302, 201, 212 r/w 149, 120B r/w 302 of IPC, Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988, Section 13, 16, 18, 18A, 18B, 20, 22C, 23, 38 & 39 of Unlawful Activities (Prevention) Act, 1967 and Section 25 (1) (a) of Arms Act, which would form part of chapter 4 and 6 and hence covered by section 43(5) of Unlawful Activities (Prevention) Act.

24. The Hon'ble Supreme Court in **National Investigation Agency vs. Zahoor Ahmad Watali (2019 KHC 6384)** laid down the principle for dealing with bail petitions to which 43D(5) is applied, as follows:-

“By virtue of the proviso to sub-section (5), it is the duty of the Court to be satisfied that there are reasonable grounds for believing that the accusation against the accused is prima facie true or otherwise. Our attention was invited to the decisions of this Court, which has had an occasion to deal with similar special provisions in TADA and MCOCA. The principle underlying those decisions may have some bearing while considering the prayer for bail in relation to offences under the 1967 Act as well. Notably, under the special enactments such as TADA, MCOCA and the Narcotic Drugs and Psychotropic Substances Act, 1985, the Court is required to record its opinion that there are reasonable grounds for believing that the accused is “not guilty” of the alleged offence. There is degree of difference between the satisfaction to be recorded by the Court that there are reasonable grounds for believing that the accused is “not guilty” of such offence and the satisfaction to be recorded for the purposes of the 1967 Act that there are reasonable grounds for believing that the accusation against such person is “prima facie” true. By its very nature, the expression “prima facie true” would mean that the materials/evidence collated by the Investigating Agency in reference to the accusation against the concerned accused in the first information report, must prevail until contradicted and overcome or disproved by other evidence, and on the face of it, shows the complicity of such accused in the commission of the stated offence. It must be good and sufficient on its face to establish a given fact or the chain of facts constituting the stated offence, unless rebutted or contradicted. In one sense, the degree of satisfaction is lighter when the Court has to opine that the accusation is “prima facie true”, as compared to the opinion of accused “not guilty” of such offence as required under the other special enactments. In any case, the degree of satisfaction to be recorded by the Court for opining that

there are reasonable grounds for believing that the accusation against the accused is prima facie true, is lighter than the degree of satisfaction to be recorded for considering a discharge application or framing of charges in relation to offences under the 1967 Act.

25. Now the question that arise for consideration is whether there are reasonable grounds for believing that accusation made against the petitioners are prima facie true, for which the materials forming part of the final report have to be examined.

26. The charge against the petitioners as available in the charge sheet is as follows:-

Petitioner/Accused No.38 Ali. K@ Ragam Ali

- a) *That, the petitioner/accused No.38 Ali. K @ Ragam Ali being an active cadre of PFI, knowingly and intentionally became a member of terrorist gang formed by PFI to commit terrorist act as a part of larger conspiracy hatched by PFI and its office bearers and cadres since last few years to enact their "India 2047" agenda of establishing Islamic Rule in India. Being a member of the terrorist gang, he attended the conspiracy meeting held at accused No.33 Nasar's Curtain Shop at Pattambi on 15th of April 2022 for committing terrorist act of murdering any available Hindu Leader with the intention of creating terror in the minds of the Hindu community and among public at large which resulted in the murder of Srinivasan on 16.04.2022 by PFI cadres. In furtherance to the conspiracy, after commission of terrorist act of murdering Srinivasan on 16.4.2022, he along with Abdul Rasheed, accused No.33 Nasar, accused No.23 Ansar, accused No.2 Ashraf Maulavi conspired at accused No.33's shop, for destruction of evidence. In furtherance to that, Abdul Rasheed and accused No.33 Nasar concealed the car bearing Regn. No. KL-55-D-4700 of accused No.33 which was used for committing the terrorist act of murdering Sreenivasan.*
- b) *That, the petitioner/accused No.38 Ali. K @ Ragam Ali along with 43 other co-accused were already charge sheeted by Kerala Police in connected offence in Crime No. 318/2022 of Palakkad Town South Police Station under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988.*
- c) *Therefore, petitioner/accused No.38 Ali. K @ Ragam Ali committed Offences punishable under sections 153A of IPC and*

sections 13,18 20 of UA (P) Act along with additional offences under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988 as charge sheeted by the Kerala Police in connected offence in Crime No. 318/2022 of Palakkad Town South Police station.

Petitioner/Accused No.40 Fayas

- a) That, the petitioner/accused No.40 Fayas being a Unit Secretary of PFI Chadanamkurussasi Unit, knowingly and intentionally became a member of terrorist gang formed by PFI to commit terrorist act as a part of larger conspiracy hatched by PFI and its office bearers and cadres since last few years to enact their "India 2047" agenda of establishing Islamic Rule in India. Being a member of terrorist gang, he attended the conspiracy meeting held at Palakkad on 15th and 16th of April 2022 for committing terrorist act by murdering any available Hindu Leader with the intention of creating terror in the minds of the Hindu community and among public at large which resulted in the murder of Srinivasan on 16.04.2022 by PFI cadres. In furtherance to the conspiracy, he along with Saheer conducted recce on 15.4.2022 by using motorcycle with Regn. No. KL-9-AP-9820, to select the target for committing terrorist act. He committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquility in the State at large.
- b) That, the petitioner/accused No.40 Fayas along with 43 other co-accused were already charge sheeted by Kerala Police in connected offence in Crime No. 318/2022 of Palakkad Town South Police Station under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988.
- c) Therefore, petitioner/accused No.40 Fayas committed offences punishable under sections 153A of IPC and sections 13,18 & 20 of UA (P) Act along with additional offences under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988 as charge sheeted by the Kerala Police in connected offence in Crime No. 318/2022 of Palakkad Town South Police station.

Petitioner/Accused No.41 Saddam Hussain. M.K

- a) That, the petitioner/accused No.41 Saddam Hussain. M.K being Area Secretary of PFI, Olavakkode Area, and Imam of Shankuvarathodu Mosque, knowingly and intentionally became a member of terrorist gang formed by PFI to commit terrorist act

as a part of larger conspiracy hatched by PFI and its office bearers and cadres since last few years to enact their "India 2047" agenda of establishing Islamic Rule in India. Being a member of terrorist gang, he attended the conspiracy meeting held at Palakkad on 15th and 16th of April 2022 for committing terrorist act by murdering any available Hindu Leader with the intention of creating terror in the minds of the Hindu community and among public at large which resulted in the murder of Srinivasan on 16.04.2022 by PFI cadres. In furtherance to the conspiracy, after commission of terrorist act, he knowingly and intentionally harboured accused No.22 Mohammed Bilal in the mosque and also facilitated accused No.22 for concealing the mobile phone of accused No.17 Abdu Rahman @ Adru.

- b) That, the petitioner/accused No.41 Saddam Hussain. M.K along with 43 other co-accused were already charge sheeted by Kerala Police in connected offence in Crime No.318/2022 of Palakkad Town South Police Station under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988.
- c) Therefore, petitioner/accused No.41 Saddam Hussain M. K. committed offences punishable under sections 153A of IPC and sections 13,18 & 20 of UA (P) Act along with additional offences under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988 as charge sheeted by the Kerala Police in connected offence in Crime No. 318/2022 of Palakkad Town South Police station.

Petitioner/accused No.44 Ashraf

- a) That, the petitioner/accused No.44 Ashraf being Unit Secretary of PFI Kavilpadu Unit, knowingly and intentionally became a member of terrorist gang formed by PFI to commit terrorist act as a part of larger conspiracy hatched by PFI and its office bearers and cadres since last few years to enact their "India 2047" agenda of establishing Islamic Rule in India. Being a member of terrorist gang, he attended the arms training conducted by PFI as a preparation for committing terrorist act, attended conspiracy meeting held at Palakkad on 16th of April 2022 for committing terrorist act by murdering any available Hindu Leader with the intention of creating terror in the minds of the Hindu community and among public at large which resulted in the murder of Srinivasan on 16.04.2022 by PFI cadres. In furtherance to the conspiracy, he knowingly and intentionally collected the mobile phones of main assailant accused No.20 Firoz from accused No.43 Asfak to screen the presence of assailants at Scene of Crime at the time of committing the

terrorist act of murdering Sreenivasan on 16.04.2022. He committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquility in the State at large.

- b) That, the petitioner/accused No.44 Ashraf along with 43 other co-accused were already charge sheeted by Kerala Police in connected offence in Crime No.318/2022 of Palakkad Town South Police Station under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988.
- c) Therefore, petitioner/accused No.44 Ashraf committed offences punishable under sections 153A of IPC and sections 13,18 & 20 of UA (P) Act along with additional offences under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988 as charge sheeted by the Kerala Police in connected offence in Crime No. 318/2022 of Palakkad Town South Police station.

Petitioner/accused No.45 Akbar Ali

- a) That, the petitioner/accused No.45 Akbar Ali being an active cadre of PFI, knowingly and intentionally became a member of terrorist gang formed by PFI to commit terrorist act as a part of larger conspiracy hatched by PFI and its office bearers and cadres since last few years to enact their "India 2047" agenda of establishing Islamic Rule in India. Being a member of terrorist gang, he attended the conspiracy meetings held at Palakkad on 15th and 16th of April 2022 for committing terrorist act by murdering any available Hindu Leader with the intention of creating terror in the minds of the Hindu community and among public at large which resulted in the murder of Srinivasan on 16.04.2022 by PFI cadres. He committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquility in the State at large.
- b) That, the petitioner/accused No.45 Akbar Ali along with 43 other co-accused were already charge sheeted by Kerala Police in connected offence in Crime No. 318/2022 of Palakkad Town South Police Station under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988.
- c) Therefore, petitioner/accused No.45 Akbar Ali committed offences punishable under sections 153A of IPC and sections 13,18 & 20 of UA(P) Act along with additional offences under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988 as

charge sheeted by the Kerala Police in connected offence in Crime No. 318/2022 of Palakkad Town South Police station.

Petitioner/Accused No.45 Nishad

- a) That, the petitioner/accused No.46 Nishad being an active cadre of PFI, knowingly and intentionally became a member of terrorist gang formed by PFI to commit terrorist act as a part of larger conspiracy hatched by PFI and its office bearers and cadres since last few years to enact their "India 2047" agenda of establishing Islamic Rule in India. Being a member of terrorist gang, he attended the conspiracy meetings held at Palakkad on 15th and 16th of April 2022 for committing terrorist act by murdering any available Hindu Leader with the intention of creating terror in the minds of the Hindu community and among public at large which resulted in the murder of Srinivasan on 16.04.2022 by PFI cadres. In furtherance to the conspiracy, he knowingly and intentionally harboured accused No.19 Abdul Khader, accused No.26 Kaja Hussain and accused No.45 Akber Ali after commission of the terrorist act. He committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquility in the State at large.
- b) That, the petitioner/accused No.46 Nishad along with 43 other co-accused were already charge sheeted by Kerala Police in connected offence in Crime No. 318/2022 of Palakkad Town South Police Station under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988.
- c) Therefore, petitioner/accused No.46 Nishad committed offences punishable under sections 153A of IPC and sections 13,18 & 20 of UA (P) Act along with additional offences under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988 as charge sheeted by the Kerala Police in connected offence in Crime No. 318/2022 of Palakkad Town South Police station.

Petitioner/accused No.56 Rasheed K.T

- a) That, the petitioner/accused No.56 Rasheed K.T being an active cadre of PFI and Unit President of Koppam - Karinganadu unit of PFI, knowingly and intentionally became a member of terrorist gang formed by PFI to commit terrorist act as a part of larger conspiracy hatched by PFI and its office bearers and cadres since last few years to enact their "India 2047" agenda of establishing Islamic Rule in India. In furtherance to the larger conspiracy, he along with accused No.55 Ameer Ali, accused No.57 Saidali and accused No.58 Noushad M conspired on

15.04.2022 at his residence for harbouring the accused after committing the offence. In furtherance to that conspiracy, after commission of the terrorist act, he harboured assailant accused No.A-18), accused No.23 Ansar and Saheer. He along with accused No.53 Abdul Kabeer, accused No.58 Noushad, accused No.36 Muhammed Hakeem, accused No.37 Muhammed Sajid and others conspired and destroyed the evidence in the case. He committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquility in the State at large.

- b) That, the petitioner/accused No.56 Rasheed K. T. along with 43 other co-accused were already charge sheeted by Kerala Police in connected offence in Crime No.318/2022 of Palakkad Town South Police Station under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988.
- c) Therefore, petitioner/accused No.56 Rasheed K. T. committed offences punishable under sections 153A of IPC and sections 13, 18 & 20 of UA (P) Act along with additional offences under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988 as charge sheeted by the Kerala Police in connected offence in Crime No. 318/2022 of Palakkad Town South Police station.

Petitioner/accused No.57 Saidali

- a) That, the petitioner/accused No.57 Saidali @Muthu being an active cadre of PFI and secretary of Kulukkalloor area of PFI, knowingly and intentionally became a member of terrorist gang formed by PFI to commit terrorist act as a part of larger conspiracy hatched by PFI and its office bearers and cadres since last few years to enact their "India 2047" agenda of establishing Islamic Rule in India. In furtherance to the larger conspiracy, he along with accused No.56 Rasheed K. T., accused No.55 Ameer Ali, and accused No.58 Noushad M conspired on 15.04.2022 at the residence of accused No.56 Rasheed K. T., for harbouring the accused after committing the offence. In furtherance to that conspiracy, after commission of the terrorist act, he assisted accused No.56 Rasheed K.T. for harbouring and transporting assailant accused No.18 Umar, accused No.23 Ansar, Saheer and others. He also committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquility in the State at large.
- b) That, the petitioner/accused No.57 Saidali @ Muthu along with 43 other co-accused were already charge sheeted by Kerala Police in connected offence in Crime No.318/2022 of Palakkad

Town South Police Station under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988.

- c) Therefore, petitioner/accused No.57 Saidali @ Muthu committed offences punishable under sections 153A of IPC and sections 13,18 & 20 of UA (P) Act along with additional offences under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988 as charge sheeted by the Kerala Police in connected offence in Crime No. 318/2022 of Palakkad Town South Police Station.

Petitioner/accused No.58 Noushad M

- a) That, the petitioner/accused No.58 Noushad M, being an active cadre of PFI and Secretary of Koppam Division of PFI, knowingly and intentionally became a member of terrorist gang formed by PFI to commit terrorist act as a part of larger conspiracy hatched by PFI and its office bearers and cadres since last few years to enact their "India 2047" agenda of establishing Islamic Rule in India. In furtherance to the larger conspiracy, he along with accused No.56 Rasheed K. T., accused No.55 Ameer Ali, and accused No.57 Said Ali conspired on 15.04.2022 at the residence of accused No.56 Rasheed K. T., for harbouring the accused after committing the offence. In furtherance to that conspiracy, after commission of the terrorist act, he assisted accused No.56 Rasheed K.T for harbouring and transporting assailant accused No.18 Umar, accused No.23 Ansar, Saheer and others. He along with accused No.56 Rasheed K T, accused No.40 Muhammed Hakkeem, accused No.42 Muhammed Sajith and others conspired and destroyed the evidence in the case after commission of the terrorist act. He committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquility in the State at large.
- b) That, the petitioner/accused No.58 Noushad M. along with 43 other co-accused were already charge sheeted by Kerala Police in connected offence in Crime No.318/2022 of Palakkad Town South Police Station under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449. 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988.
- c) Therefore, petitioner/accused No.58 Noushad M. committed offences punishable under sections 153A of IPC and sections 13,18 & 20 of UA (P) Act along with additional offences under section 120B, 34, 118. 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 of the Religious Institutions (Prevention of Misuse) Act, 1988 as

charge sheeted by the Kerala Police in connected offence in Crime No.318/2022 of Palakkad Town South Police station.

27. The materials collected during investigation forming part of the final report prima facie bring out the following facts:-

28. The seized document in FIR No.RC.31/2022/NIA/DLI dated 22.07.2022 produced as Doc No.1376 would indicate that PFI had a mission to establish Islamic rule in India by their 'India 2047' vision. The stages of progression towards Islamic rule by extending to every house of the nation is clearly mentioned in the document and it emphasis organising PE classes at grass root level by sending well trained PFI trainers state to state to impart training to PFI members in weapon handling and explosives, location of centers of state units in Muslim dominated localities or remote locations so as to set up proper training facilities and depots for stock-piling of arms and explosives.

29. The extracted version of the voice clip recovered from the mobile of accused No.15, one of the alleged PFI trainers, which is received from the FSL would indicate the passive mode of execution of the mission indicated in the document No.1376.

30. The protected witness No.2 states that he joined PFI, that PFI had the hidden agenda to implement Islamic rule in India from 2047 for which structured stages of progress was designed, that the members were given physical and arms training through their physical education wing under the guise of Yoga class, Martial arts, rescue and relief training in the first stage, that in the second stage they would impart advance training to the selected cadre on weapons, fire arms and on explosives. The goal of the organization disclosed in the statement of the protected witness No.2 is similar to that envisaged in Doc No.1376. The protected

witness No.14 states that he joined PFI in 2016 and attended the training class during the PFI days. He came to know about the hidden agenda of PFI to make India Islamic republic, that he came to know about 'India 2047' plan of PFI through the audio messages circulated secretly among dedicated cadres of PFI with clear instruction to delete the voice clip after listening, that as per the plan India 2047, PFI had planned stages of advancement towards Islamic rules in India, that PFI had established institution in various parts of state for imparting training to the selected cadres, that highly trained PFI men are used for the targeted killing of other community people within 24 hours of any action against PFI and its cadres, that the said decision was taken few years ago and seen implemented in Alappuzha and Palakkad by PFI that the planned killings are done with the sole purpose to create terror in the minds of community.

31. The Document No.1376, the mirror image of the voice clip recovered from the mobile phone of accused No.15 and the statement of Protected witness Nos.2 & 14 shows that PFI had a mission to establish Islamic Rule in India by their "India 2047" vision as highlighted in Doc No.1376. In the photos recovered from the MO238 mobile phone of the accused No.36, accused No.38 was found wearing PFI uniform with PFI banners and the same is found in the photos recovered from the MO136 Memory card of accused No.34. CW121 &122 states that accused No.38 Sri.Ragam Ali along with the other accused attended the conspiracy meeting held at the curtain shop of Accused No.33 Sri.Nazar at Pattambi on 15.04.2022. CW122 stated that he heard them saying that they have to take revenge and CW121 also had seen accused No.38 Sri.Ragam Ali along with the other accused at the shop of Accused No.33 and noticed their conversation.

Document No.229 & 1441 CDR details and Document No.238 CDR link report shows his presence at the place where the alleged conspiracy was hatched. It is specifically alleged that after causing death of Srinivasan on 16.04.2022 he along with accused No.33 & accused No.23 and other accused conspired at the shop of Accused No.33 for destructing the evidence and accused Nos.27 & 34 concealed the car which was recovered as per Document No.125 Recovery mahazar. Document No.118 is the CCTV Seizure Mahazar and Document No.119 is the CCTV footage showing his presence at the place.

32. The Protected witness No.17 states that accused No.40 is a member of PFI and attended arms training imparted by PFI, that the training is imparted for the purpose of doing away with the people who are the enemies of PFI. The Document No.195 & 199 CCTV footage and Document No.238 CDR link chart shows the presence of Accused No.40 at the place near the District Hospital, Palakkad, which is the alleged place where conspiracy was hatched. and the statement of protected witness Nos.17 & 38 also shows the same. Protected document No.48 shows that on 15.04.2022 at night the accused No.40 along with other accused conspired together at the place near to the Mortuary, that the witness was asked to locate the house mentioned by Mr.Basith, that specific instructions were given to the 8 persons to take the vehicle and to do piloting and Accused No.40 was one among those persons and the members were aware of the fact that they would attack within 24 hours after receiving any attack. Accused No.40 along with the accused No.27 conducted recce on 15.04.2022 by using his MO118 motorcycle with Regn. No.KL-9-AP-9820 to select the target for committing the alleged terrorist act.

33. The statement of Protected Witness No.17 shows that accused No.41 is a member of PFI and attended arms training imparted by PFI and that his mobile phone (MO72) contained the images including his photo with PFI banners. The statement of Protected Witness Nos.17, 37 & 38 shows that he attended the conspiracy meeting held at Palakkad on 15th and 16th April 2022. The document Nos.233 & 1460 CDR and Document No.238 CDR link chart shows his presence at the place. Accused No.41 is the imam of Shankuvaramade mosque. After committing the alleged terrorist act, Accused No.41 harboured Accused No.22 in the mosque and facilitated for concealing the mobile phone of accused No.17 which was recovered as per Document No.9 Recovery Mahazar.

34. The Protected Witness No.17 states that accused No.44 is a member of PFI and attended arms training imparted by PFI. The statement of protected witness Nos.17 & 20 shows that he also attended the conspiracy meeting held at Palakkad and collected the mobile phones of the alleged main assailant accused No.20 from accused No.43 to screen the presence of assailants at the place of occurrence which is recovered as MO99 at the instance of Accused No.44 and Doc.74 is the recovery mahazar in that regard.

35. The images recovered from MO69 mobile phone of accused No.45 contains the PFI poster of Palakkad Division Council which states Accused No.45 as 'Olavakode Area Secretary'. Protected Witness No.17 also states that he is a member of PFI and also attended arms training imparted by PFI. The statement of Protected witness No.17 & Protected witness Nos.37 & 38, Protected document Nos.48 & 49 shows that he attended arms training and was present in the conspiracy meeting held at Palakkad on 15th and 16th of April 2022, MO615 is the

CCTV footage showing his presence at the place where the alleged conspiracy was hatched.

36. The statement of Protected witness No.17 shows that accused No.46 is also a member of PFI and attended arms training imparted by PFI. The statement of Protected witness Nos.17, 20, 37 & 38 coupled with Doc No.13 scene mahazar and Doc No.85 seizure mahazar regarding the recovery of MO115 & MO116 and Doc.238 CDR link chart prima facie affirm the presence of accused at the place. It is also alleged that he harboured the accused No.19, accused No.26 and accused No.45 after committing the terrorist act. The document No.86 CCTV footage and protected document No.49 is relevant to that aspect.

37. MO.208 PFI dress and Document No.443 PFI publications were seized from the house of Accused No.56. Various PFI notices in pdf were present in his MO206 mobile phone, D408 is the relevant Mahazar describing the contents of files in the recovered mobile phone. It contained notices prejudicial to the maintenance of harmony between different religious groups and the voice message describing the alleged terrorist act. The statement of CW339 and the protected witness No.35 shows that Accused No.56 harboured Accused Nos.18, 23 & 27 at his residence. Doc No.439 is the scene mahazar regarding the place where the said accused were harboured at the instance of Accused No.56. Accused No.56 along with Accused Nos.53, 58, 36 & 37 and others conspired together and destroyed the evidence. Document No.92 is the Recovery mahazar relating to the recovery of the vehicle number plates, MO46 to MO50 and D93 is the recovery mahazar relating to the recovery of vehicle parts, MO51 to MO66 of the vehicle allegedly used for committing the terrorist act. The statement of witness Nos.95 to

98 and protected document Nos.45 & 49 specifies the role of accused No.56 in destroying evidence after commission of the alleged terrorist act.

38. Accused No.57 is a cadre of PFI. He along with Accused Nos.56, 55 & 58 conspired on 15.04.2022 at the residence of Accused No.56, for harbouring the accused after committing the offence. The statement of Protected witness No.35 and CDR Link Chart D522 prima facie shows his presence with other accused at the residence place of Accused No.56. D523 is the CDR details contain the details of calls between Accused No.56 and Accused No.57. The protected Doc No.45 contains the statement disclosing the role of Accused No.57 along with the other accused. The CDs containing voice samples of Accused No.57 were seized as per Document No.452 Seizure mahazar. The contents of Whatsapp found in his MO205 mobile phone seized as per Document No.409 seizure mahazar reiterates the voice messages indicating the alleged committed acts prejudicial to the maintenance of harmony between different religious groups.

39. Accused No.58 is a cadre of PFI. MO217 mobile phone seized from him contain various images and notices relating to PFI. The statement of protected witness 35 and D522 CDR Link Chart, D523 CDR details relates to the conspiracy entered into among Accused Nos.58, 56, 55 & 57 for harbouring the accused after committing the offence. Protected witness No.35 stated that on 15.04.2022 at night accused No.58 along with the other accused reached the residence of Accused No.56 Rasheed in a Maruthi Wagon-R car. After committing the alleged terrorist act he also assisted Accused No.56 for harbouring and transporting the assailants Accused Nos.18, 23, 27 and others. D446 is the scene mahazar in respect of the property recovered at the instance of Accused No.23. It is alleged that he along

with Accused Nos.56, 36 & 37 conspired together and destroyed the evidence after committing the terrorist activity and Document No.92 is the recovery mahazar in respect of the recovered vehicle number plates and D93 is the recovery mahazar in respect of the recovered vehicle parts MO51 to MO66. Protected documents 45 & 49 also reveals the role of Accused No.58.

40. On going through the various images and the voice clip allegedly recovered from the mobile phone of accused No.15 Muhammed Mubarak, Whatsapp messages, other materials such as notices, photographs recovered from the mobile phone of the accused persons, CDR details showing the presence of the accused at the place where conspiracy was alleged to have been hatched, the statements of protected witnesses, the documents relating to the recoveries alleged to have been effected at the instance of the accused persons coupled with the recovered items and on considering the materials available in totality, complicity of the petitioners/accused in the commission of the alleged offences is prima facie evident.

41. Offences alleged against the accused includes the offences punishable under sections 18 and 20 of the UAPA to which the rigor of S.43D(5) applies. On considering the materials collected during investigation, in totality, it appears that there are reasonable grounds for believing that the accusation against the petitioner is prima facie true.

42. In **Union of India vs. K. A. Najeeb (2021 KHC 6045)** the Hon'ble Supreme court held that the stringent restrictions imposed by Sec.43D(5) do not negate the power of constitutional court to grant bail keeping in mind violation of Part-III of the constitution. It is apparent that the allegations levelled against the

petitioners are grave and a serious threat to societal harmony. The petitioners were arrested on 24.05.2022, 24.04.2022, 22.04.2022, 22.04.2022, 01.05.2022, 01.05.2022, 10.11.2022, 10.11.2022, 15.11.2022 respectively and they are in judicial custody. As regards the offences alleged against the petitioners under sections 18 & 20 the maximum punishment is imprisonment for life and with fine. They are also charged with other offences including offences punishable u/s 302. The charges levelled against the petitioners are grave and a serious threat to societal harmony. The materials available would prima facie reveal that the petitioners are members of terrorist gang which was involved in the alleged terrorist act. The embargo created by section 43D(5) of Unlawful Activities (Prevention) Act applies squarely with regard to the consideration of grant of bail to the petitioner. There is no mitigating circumstance to grant bail on that count. Hence the bail application is liable to be dismissed.

In the result, the bail application is dismissed.

It is made clear that the observations made are on a prima facie consideration of the evidence presented by the Investigating Officer and its admissibility and reliability would be a matter of trial.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 24th day of August, 2023.

Appendix: Nil

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

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

//True Copy//

Sd/-
Sheristadar.