

IN THE SPECIAL COURT FOR THE TRIAL OF NIA CASES, ERNAKULAM**Present: Smt. Mini S Das, Judge for NIA Cases**Wednesday the 20th day of December, 2023 / 29th Agrahayana, 1945.**Crl.M.P. No.481/2023 in SC.02/2023/NIA/KOC**

- Petitioners/Accused Nos. 2, 4, 5, 6, 7, 8, 9, 10, 13 and 14**
- 1.** Ashraf @Asharaf Moulavi (A2) Aged 56 years, S/o Shahul Hameed, TC 74/880(2) Thoufeek Manzil, Pallistreet, Puthen Palli, Poonthura P.O, Thiruvananthapuram, Kerala, 695026.
 - 2.** Sadik (A4) Aged 34 years, S/o Ahammad, Puthuparampil, Mundukottackal P.O, Pathanamthitta, 689649.
 - 3.** Shihas M H (A5) Aged 40 years, S/o Hazan, Mailadiyil House, Karackad, Nadackal P.O, Erattupetta, Kottayam, 686121.
 - 4.** Ansari E P (A6) Aged 45 years, S/o Parikoch, Elakayam House, Nadackal P.O, Erattupetta, 686121.
 - 5.** Mujeeb M M (A7), Aged 45 years, S/o Muhammad, Mankuzhacks House, Nadackal P. O, Erattupetta, 686121.
 - 6.** Nejimudheen @ Nejimon (A8), Aged 46 years, S/o Arshudheen, Nedumpachayil, Vandanpathal, R P C P.O, Erumeli North, 686513.
 - 7.** T.S Sainudeen (A9), Aged 46 years, S/o Saidmuhammed, Thavalathil (H), Peruvanthanam P.O, Paruvanthanam, 685532.

8. P K Usman (A10), Aged 45 years, S/o Kunjipu, Pallikkara Njali House, Perumbilavu, Chiranallur P.O, 680501.
9. Mohammad Ali K @ Kunjappu (A13), Aged 57 years, S/o Marakkar, Karayil House, Valanchery P.O, Malappuram (Dist), 676552.
- 10 Sulaiman C T (A14), Aged 48 years, S/o Vpm Abdul Azeez Elambachi, South Thrikaripur, Kasaragod-671310.

**A2, A4, A5, A6 and A7 by Adv.
M/s. P C Noushad, John S Ralf,
Abdul Latheef,
Muhammed Rifa, Abdurahiman P K.**

**A8, A9, A10 and A13 by Adv.
M/s. P C Noushad, Abdurahiman P K
and Wakharul Islam.**

**A14 Adv. M/s. P C Noushad, John S Ralf,
Abdurahiman P K.**

Respondent/Complainant : Inspector of Police, National Investigation Agency, NIA Kochi Unit, Kadavanthra.

**Represented 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 12.12.2023 and the Court on 20.12.2023 passed the following:

ORDER

1. This petition is filed u/s.439 of the Code of Criminal Procedure for releasing the 1st petitioner/accused No.2 Sri. Ashraf @ Ashraf Moulavi, 2nd petitioner/accused No.4 Sri.Sadik A. P. @ Sadiq Ahmed, 3rd petitioner/accused

No.5 Sri.Shihas M. H, 4th petitioner/accused No.6 Sri.Ansari E. P., 5th petitioner/accused No.7 Sri.Mujeeb @ M. M. Mujeeb, 6th petitioner/accused No.8 Sri.Nejimon @ Nejimudheen, 7th petitioner/accused No.9 Sri. Sainudeen T.S., 8th petitioner/accused No.10 Sri. P.K.Usman, 9th petitioner/accused No.13 Sri.Muhammed Ali K. @ Kunajppu, & 10th petitioner/accused No.14 Sri. Sulaiman C. T. 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 had conspired to instigate communal violence and radicalized its cadres to commit terrorist acts in the State of Kerala and various other parts of the country. The PFI members and its office bearers based at Kerala having earlier association with the 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 intent to disrupt public tranquility and have been seen to have organized 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 intent 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, endeavor 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 utilized 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 recce 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 terrorize 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 06 accused persons 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 among 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 arrayed 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. Heard both sides.

22. The learned counsel for the petitioners submit that the petitioners are totally innocent of the allegations leveled against them, that the petitioners are not the members of any banned organization that the organization was not banned till 28.09.2022. There is no evidence to the effect that any of the petitioners had any connection with any terrorist activities that no incriminating evidence is recovered from the social medial extracts in connection with the petitioners that the FIR in another case produced as document No.1376 cannot be relied on in this case, that none of the protected witnesses had stated anything incriminating against the petitioners that there is nothing on record to connect the petitioners to the alleged larger conspiracy for establishing Islamic Rule in India.

23. According to the learned Special Public Prosecutor the evidence collected during investigation would prima facie reveal the complicity of the petitioners in the commission of the alleged offences.

24. 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.”

25. 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 persons alleging offences punishable Under sections 120B, 153A, 120B r/w 302 of IPC & Sections 13, 18,

18A, 18B, 20, 38 & 39 of Unlawful Activities (Prevention) Act, 1967 which would include offences forming part of chapter 4 and 6 and hence covered by section 43(5) of Unlawful Activities (Prevention) Act.

26. 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 applies, 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.

27. 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.

28. The charge against the petitioners as available in the charge sheet is

as follows:-

1. Petitioner/Accused No.2 Ashraf S @ Karamana Ashraf Moulavi

That, the Accused No.2 Ashraf S @ Karamana Ashraf Moulavi, being a National In-Charge of Education Wing of Popular Front of India (PFI) and the Vice President of All India Imams Council, an affiliate of PFI, knowingly and intentionally became a part of larger conspiracy hatched by PFI, its office bearers and cadres since few years to enact their "India 2047" agenda of establishing Islamic Rule in India. He also encouraged vulnerable youth to join terrorist organisation ISIS/Daesh. He also conspired to establish Islamic Rule in India by committing terrorist acts. He incited the people to cause communal disharmony and disturbed the public tranquility in the State at large. He knowingly and intentionally became a part of terrorist gang formed by PFI, caused to recruit the cadres of PFI to terrorist gang, collected the details of various leaders of other religions and communities and the members of its organisations, such as Arya Samajam etc., arranged and supervised arms training to the cadres of PFI at their office at Thiruvananthapuram Education and Service Trust (TEST) and at Periyar Valley Trust, Aluva on various occasions and planned to stock weapons and explosives, as a part of preparation for committing terrorist acts. In furtherance to the larger conspiracy hatched by PFI, its office bearers and members, he knowingly and intentionally took part in the conspiracy hatched at Palakkad on 16.04.2022, for committing 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 by PFI cadres, thereby Accused No.2 committed offences punishable under Sections 120B, 153A & 120B r/ w 302 of IPC and sections 13, 18, 18A, 18B, 20, 38 & 39 of UA (P) Act

2. Petitioner/Accused No.4 Sadik A. P. @ A. Sadiq Ahmed

That, the accused No.4 Sadik A. P. @ A. Sadiq Ahmed, being a District Secretary of Popular Front of India (PFI), Pathanamthitta District, knowingly and intentionally became a part of larger conspiracy hatched by PFI, its office bearers and cadres since few years to enact their "India 2047" agenda of establishing Islamic Rule in India. In furtherance to the larger conspiracy, he knowingly and intentionally became a member of terrorist gang formed by PFI, its office bearers and cadres. Being a part of terrorist gang, he arranged and supervised the arms training to the cadres of PFI at its office functioning at Periyar Valley Trust, Aluva and other places on various occasions in last few years, as a part of preparation for committing terrorist acts. He also incited disharmony among the Society by sharing hateful speech/slogan through social media, thereby Accused No.4 committed offences punishable under sections 120B & 153A of IPC and sections 13, 18, 18A & 20 of UA (P) Act.

3. Petitioner/Accused No.5 Shihas @ Shihas M. H.

That, the accused No.5 Shihas @ Shihas M. H., being a Zonal Secretary of Popular Front of India (PFI), Ernakulam Zone knowingly

and intentionally became a part of larger conspiracy hatched by PFI, its office bearers and cadres since few years to enact their "India 2047" agenda of establishing Islamic Rule in India. In furtherance to the conspiracy, he organised and supervised the Arms and Physical training to PFI cadres in PFI Office Periyar Valley Campus and Erattupetta on various occasions. He had secret meetings at Peace Valley for conducting arms training, as a part of preparation for committing terrorist acts. He is a member of terrorist gang formed to commit terrorist act of murdering Srinivasan on 16.04.2022 and caused to recruit the cadres of PFI to terrorist gang. He participated in conspiracy hatched near District Hospital, Palakkad on 16.04.2022 for committing 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 by PFI cadres. Moreover, he committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquility in the State at large, thereby Accused No.5 committed offences punishable under sections 120B, 153A & 120B r/w 302 of IPC and sections 13, 18, 18A, 18B & 20 of UA (P) Act.

4. Petitioner/accused No.6 Ansari E. P. @ Ansari

That, the accused No.6 Ansari E. P. @ Ansari, being a member of PFI and Municipal Councillor of SDPI Erattupeta, knowingly and intentionally became a part of larger conspiracy hatched by PFI, its office bearers and cadres since few years to enact their "India 2047" agenda of establishing Islamic Rule in India. In furtherance to the conspiracy, he organised and supervised Arms and Physical training to PFI cadres in PFI Office Periyar Valley Campus and Erattupetta on various occasions. He had secret meetings at Peace Valley for conducting arms training, as a part of preparation for committing terrorist act. He knowingly and intentionally became a member of terrorist gang formed to commit terrorist act of murdering Srinivasan on 16.04.2022 and caused to recruit the cadres of PFI to the terrorist gang. He participated in conspiracy hatched near District Hospital, Palakkad on 16.04.2022 for committing 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 by PFI cadres. Moreover, he committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquility in the State at large, thereby Accused No.6 committed offences punishable under sections 120B, 153A & 120B r/w 302 of IPC and sections 13, 18, 18A, 18B & 20 of UA (P) Act.

5. Petitioner/accused No.7 Mujeeb @ M. M. Mujeeb

That, the accused No.7 Mujeeb @ M. M. Mujeeb, being a Division President of Nadakkal Division of Popular Front of India [PFI], knowingly and intentionally became a part of larger conspiracy hatched by PFI, its office bearers and cadres since few years to enact their "India 2047" agenda of establishing Islamic Rule in India. In

furtherance to the conspiracy, he had organised and supervised Arms and Physical training to PFI cadres in PFI Office Periyar Valley Campus and other places on various occasions as a part of preparation for committing terrorist acts. He had secret meetings at Peace Valley, Kottayam for conducting arms training, as a part of preparation for committing terrorist act. He knowingly and intentionally became a member of the terrorist gang formed to commit terrorist act of murdering Srinivasan on 16.04.2022 and caused to recruit the cadres of PFI to terrorist gang. He participated in conspiracy hatched near District Hospital, Palakkad on 16.04.2022 for committing 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 by PFI cadres. Moreover, he committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquility in the State at large, thereby Accused No.7 committed offences punishable under sections 120B, 153A & 120B r/w 302 of IPC and sections 13, 18, 18A, 18B & 20 of UA (P) Act.

6. Petitioner/Accused No.8 Nejimon @ Nejumudheen N. A.

That, the accused No.8 Nejimon @ Nejumudheen N. A., being a Division President of Mundakayam Division of Popular Front of India [PFI] and also the in-charge of Education wing of Ernakulam Zone of PFI, he knowingly and intentionally became a part of larger conspiracy hatched by PFI, its office bearers and cadres since few years to enact their "India 2047" agenda of establishing Islamic Rule in India. In furtherance to the conspiracy, he had organised and supervised Arms and Physical training to PFI cadres in PFI Office Periyar Valley Campus and other places on various occasions as a part of preparation for committing terrorist acts. He had secret meetings at Peace Valley, Kottayam for conducting arms training, as a part of preparation for committing terrorist acts. He knowingly and intentionally became a member of terrorist gang formed to commit terrorist act of murdering Srinivasan on 16.04.2022 and caused to recruit the cadres of PFI to that terrorist gang. He participated in conspiracy hatched near District Hospital, Palakkad on 16.04.2022 for committing 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 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. He also incited disharmony in the Society by sharing provocative speeches and video clip and posts threatening life of other communities through social media with the intention to cause enmity between different religions, thereby Accused No.8 committed offences punishable under sections 120B, 153A & 120B r/w 302 of IPC and sections 13, 18, 18A, 18B & 20 of UA (P) Act.

7. Petitioner/accused No.9 Sainudeen @ Sainudeen T. S.

That, the accused No.9 Sainudeen @ Sainudeen T. S., being a District Secretary of Popular Front of India [PFI] Kottayam District, knowingly and intentionally became a part of larger conspiracy hatched by PFI, its office bearers and cadres since few years to enact their "India 2047" agenda of establishing Islamic Rule in India. In furtherance to the conspiracy, he organised and supervised Arms and Physical training to PFI cadres in PFI Office Periyar Valley Campus and other places on various occasions as a part of preparation for committing terrorist acts. He had secret meetings at Peace Valley, Kottayam for conducting arms training, as a part of preparation for committing terrorist acts. He knowingly and intentionally became a member of terrorist gang formed to commit terrorist act of murdering Srinivasan on 16.04.2022 and caused to recruit the cadres of PFI to the terrorist gang. He participated in conspiracy hatched near District Hospital, Palakkad on 16.04.2022 for committing 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 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, thereby Accused No.9 committed offences punishable under sections 120B, 153A & 120B r/w 302 of IPC and sections 13, 18, 18A, 18B & 20 of UA (P) Act.

8. Petitioner/accused No.10 P. K. Usman @ Usman

That, the accused No.10 P. K. Usman @ Usman, being a member of Popular Front of India (PFI), State General Secretary of SDPI, Kerala and former State President of Campus Front of India, a frontal organisation/affiliate of PFI, he knowingly and intentionally became a part of larger conspiracy hatched by PFI, its office bearers and cadres since few years to enact their "India 2047" agenda of establishing Islamic Rule in India. In furtherance to the conspiracy, he had organised and supervised Arms and Physical training to PFI cadres in PFI Office at Periyar Valley Campus as a part of preparation for committing terrorist acts. He knowingly and intentionally became a member of terrorist gang formed to commit terrorist act of murdering Srinivasan on 16.04.2022 and caused to recruit the cadres of PFI to the terrorist gang. He attended the conspiracy meeting held in PFI Office, Puthuppallitheru, Palakkad on 15th April, 2022 and the conspiracy meeting held at Palakkad on 16th of April, 2022 for committing 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 by PFI cadres. Moreover, he committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquility in the State at large, thereby Accused No.10 committed offences punishable under sections 120B, 153A & 120B r/w 302 of IPC and sections 13, 18, 18A, 18B & 20 of UA (P) Act.

9. Petitioner/accused No.13 Muhammed Ali @ Kunajppu

That, the accused No.13 Muhammed Ali @ Kunajppu, being a

member of Popular Front of India [PFI] and an ex-SIMI leader, a proscribed terrorist organisation, knowingly and intentionally became a part of larger conspiracy hatched by PFI, its office bearers and cadres since few years to enact their "India 2047" agenda of establishing Islamic Rule in India. In furtherance to larger conspiracy, he knowingly and intentionally became a member of terrorist gang formed by PFI, its office bearers and cadres. Being a part of terrorist gang, he arranged and supervised the arms training to the cadres of PFI at Periyar Valley Trust and other places in various occasions in last few years, as a part of preparation for committing terrorist acts. He propagated the violent jihad to the cadres of PFI and justified the terrorist acts for inciting the PFI cadres for committing terrorist act. Moreover, he committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquility in the State at large, thereby Accused No.13 committed offences punishable under sections 120B & 153A of IPC and sections 13, 18, 18A & 20 of UA (P) Act.

10. Petitioner/accused No.14 Sulaiman C. T. @ C. T. Sulaiman

That, the accused No.14 C. T. Sulaiman, being the District President of Popular Front of India [PFI], Kasaragod District in Kerala, knowingly and intentionally became a part of larger conspiracy hatched by PFI, its office bearers and cadres since few years to enact their "India 2047" agenda of establishing Islamic Rule in India. In furtherance to the conspiracy, he had organised and supervised Arms and Physical training to PFI cadres in PFI Office Periyar Valley Campus as a part of preparation for committing terrorist acts. He knowingly and intentionally became a member of terrorist gang formed to commit terrorist act of murdering Srinivasan on 16.04.2022 and caused to recruit the cadres of PFI to the terrorist gang. He attended the conspiracy meeting held at Palakkad on 16th of April, 2022 for committing 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 by PFI cadres. Moreover, he committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquility in the State at large. He also propagated the ideology of violent Jihad and incited PFI cadres to perform terrorist acts against other community as a part of their agenda. "India 2047", thereby Accused No.14 committed offences punishable under sections 120B, 153A & 120B r/w 302 of IPC and sections 13, 18, 18A, 18B & 20 of UA (P) Act.

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

30. 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.

31. 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.

32. 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.

33. 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.

34. Statement of approver recorded u/s 164 Cr.P.C., the statement of the protected witnesses Nos.2, 14 & 16, coupled with Doc No.1376 prima facie shows that PFI has a mission to establish Islamic Rule in India by their "India 2047" vision.

35. The statement of Protected witnesses and CWs 609, 610, 611, 613, 615, 624, 629, 638 to 641 reveals that the 1st petitioner/accused No.2 Ashraf Moulavi is the National In-Charge of Educational Wing of Popular Front of India (PFI) and the Vice President of All India Imams Council. The statement of the Protected witnesses & approvers coupled with the contents of MO271 pen drive would prima facie shows that he encouraged vulnerable youth to join terrorist organization and conspired to establish Islamic rule in India by committing terrorist acts. Statements of CW3 & 4, Document no.757, 759, contents of MO271 pen drive

and MO268 mobile prima facie shows that he collected the details of various leaders of other religions and communities and the members of its organisations, such as Arya Samajam etc., arranged and supervised arms training to the cadres of PFI at their office at Thiruvananthapuram Education and Service Trust (TEST) and at Periyar Valley Trust, Aluva on various occasions and planned to stock weapons and explosives, as a part of preparation for committing terrorist acts. Statement of Protected witnesses and approver coupled with CDR details prima facie shows that he took part in the conspiracy hatched at Palakkad on 16.04.2022, for committing terrorist act of murdering Srinivasan on 16.04.2022.

36. The Statements of Protected witnesses and CWs 634, 635 would prima facie shows that the 2nd petitioner/accused No.4 Sadik A. P. is the District Secretary of Popular Front of India (PFI), Pathanamthitta district. It is alleged that as a member of the terrorist gang arranged and supervised the arms and physical training to the cadres of PFI at its office functioning at Periyar Valley Trust, Aluva, Erattupetta and other places on various occasions in last few years, as a part of preparation for committing the terrorist acts. MO276 laptop contains encircled DYFI members who were alleged to have been targeted by PFI. The social media data relating to the 2nd petitioner contains hate slogan video, threatening message video justifying the criminal activity of PFI and facebook chats justifying Abhimanyu's murder.

37. The statements of Protected Witness Nos.3, 8, 9, 12, 21, 52 coupled with the statements of CW611, 613, 615, 636, 637 and 640 shows that the 3rd petitioner/accused No.5 Shihas M. H. is a Zonal Secretary of Popular Front of India

(PFI) Ernakulam Zone.

38. The statements of PW Nos.3, 8, 9, 12, 21, 52 coupled with the statements of CW 615, 636, 637 shows that the 4th petitioner/accused No.6 Ansari E.P. is a member of PFI and Municipal Councilor of SDPI, Erattupetta. MO284, 285, 286 (mobile phones) contain whatsapp voice clip in which Accused No.6 is instructed to arrange for PE training for PFI cadres. Whatsapp voice and whatsapp chat reveal about the compulsory PE training at Peace Valley.

39. The statements of Protected Witnesses Nos.3, 9, 12, 21, coupled with the statements of CWs 636, 637 show that the 5th petitioner/accused No.7 M. M. Mujeeb is a Division President of Nadakkal Division of PFI. It is alleged that his social media data contains google photos in which the photos of RSS workers are placed at red marking.

40. The statements of Protected Witnesses Nos.3, 8, 9, 34 coupled with the statements of CWs 636 & 637 shows that the 6th petitioner/accused No.8 Najumudeen is a Division President of Mundakayam President of PFI and also in charge of Education wing of Ernakulam Zone of PFI. MO289 mobile phone contains data of misinterpreted Quran quotes, called for jihad. The extracted social media data of the 4th accused contains provocative speech of 6th petitioner. It is alleged that the 6th petitioner incited disharmony in the society by sharing provocative speeches and video clip and posts threatening life of other communities through social media with the intention to cause enmity between different religions.

41. It is alleged that 7th petitioner/accused No.9 Sainudeen T. S. is a

District Secretary of PFI, Kottayam district. The seized MO289 mobile phone contains PFI related materials and the booklet seized from the house of the 7th petitioner (Document No.777) with title 'Love Jihad' and Document No.781 a notebook titled as 'physical education guide' with PFI flag.

42. It is alleged that 8th petitioner/accused No.10 P. K. Usman @ Usman (A-10), being a member of Popular Front of India [PFI], State General Secretary of SDPI, Kerala and former State President of Campus Front of India, a frontal organisation/affiliate of PFI. The documents seized during the search at the house of the 8th petitioner (Document Nos.783, 784, 785 & 786) contains the list of killed persons relating to various political organizations. In Document No.786, it is stated that Hindu Kuffrs, Document No.785 is a printed document with heading "UAPA Vakuppukal chumatheppettu" authored by "Malayali vicharana thadavukarude mochana samithy". The social media data relating to the 8th petitioner contains Instagram posts defaming India and the Constitution and post relating to Islamic Rule in India.

43. It is alleged that the 9th petitioner/Accused No.13 Mohammed Ali is a member of Popular Front of India an ex-SIMI leader, a proscribed terrorist organisation. The DVD seized from the house of Accused no.12 contains a video related to protest by the PFI in which the 9th petitioner speaks provocatively. The document no.826 seized from the house of 9th petitioner contains printed notes inciting PFI cadres to fight against Hindus.

44. It is alleged that the 10th petitioner/accused No.14 C. T. Sulaiman is the District President of Popular Front of India (PFI), Kasaragod District in Kerala. The

social media data relating to the 10th petitioner contains PFI relating materials. The statement of protected witnesses shows that he propagated the ideology of violent jihad and incited PFI cadres to perform terrorist acts against other community as a part of their agenda - "India 2047".

45. It is specifically alleged that, accused persons knowing and intentionally became a part of larger conspiracy hatched by PFI, its office bearers and cadres since few years to enact their India 2047" agenda of establishing Islamic Rule in India, that being a part of terrorist gang accused Nos. 2, 4, 5, 6, 7, 8, 9, 10, 13 & 14 arranged and supervised the arms and physical training to the cadres of PFI at its office functioning at Periyar Valley Trust, Aluva, Erattupetta and other places on various occasions in last few years, as a part of preparation for committing the terrorist acts. Protected witnesses Nos.8, 9, 21 & 34 states that accused Nos.5, 6, 7, 8 & 9 had secret meetings at Peace Valley, Kottayam for conducting arms training, as a part of preparation for committing terrorist acts. Accused Nos. 2, 5, 6, 7, 8, 9, 10 & 14 participated in conspiracy hatched near District Hospital, Palakkad on 16.04.2022 for committing terrorist act of murdering Srinivasan on 16.04.2022. It is also alleged that the accused persons committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquility in the state at large. It is alleged that the accused persons committed terrorist act of murder of Srinivasan on 16.04.2022 as a part of larger conspiracy hatched by PFI and its office bearers and cadres to enact their "India 2047" agenda of establishing Islamic Rule in India.

46. On going through the statement of witnesses, including the protected

witnesses and approvers, the documents recovered during search, the data extracted from the electronic documents seized from the petitioners, the extracted social media data relating to the petitioners, CDR details showing the presence of the accused at the place where conspiracy was alleged to have been hatched, and on considering the materials available in totality, complicity of the petitioners/accused in the commission of the alleged offences is prima facie evident.

47. Offences alleged against the accused includes the offences punishable under sections 18, 18A, 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.

48. 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. According to the prosecution, the petitioners are highly influential and if they are released on bail there is likelihood of threatening the protected witnesses and tampering with the evidence. The 164 statement of the protected witness raises serious likelihood of endangering the security of the witness. Therefore, the submission of the prosecution in that regard cannot be brushed out. 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. Petitioners Nos.1, 3, 4, 5, 6, 7, 8 & 10 are also charged with offence punishable u/s

302 of IPC. 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 petitioners. 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 20th day of December, 2023.

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

Appendix: Nil

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

//True Copy//

Sd/-
Sheristadar.