



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

TUESDAY, THE 25TH DAY OF JUNE 2024/4TH ASHADHA, 1946

CRL.A NO.139 OF 2024

CRIME NO.2/2022 OF NATIONAL INVESTIGATION AGENCY KOCHI, ERNAKULAM
AGAINST THE ORDER DATED 20.12.2023 IN CRL.M.P.NO.481/2023 IN S.C.NO.
2 OF 2023 OF SPECIAL COURT FOR TRIAL OF NIA CASES, ERNAKULAM

APPELLANT(S)/PETITIONERS/ACCUSED NOS.2, 4, 5, 6, 7, 8, 9, 10, 13
& 14:

- 1 ASHRAF @ ASHARAF MOULAVI
AGED 56 YEARS
S/O.SHAHUL HAMEED, TC 74/880(2) THOUFEEK MANZIL,
PALLISTREET, PUTHEN PALLI, POONTHURA P.O,
THIRUVANANTHAPURAM, PIN - 695026
- 2 SADIK
AGED 34 YEARS
S/O.AHAMMAD, PUTHUPARAMPIL, MUNDUKOTTACKAL P.O,
PATHANAMTHITTA, PIN - 689649
- 3 SHIHAS M H
AGED 40 YEARS
S/O.HAZAN, MAILADIYIL HOUSE, KARACKAD, NADAKAL P.O.,
ERATUPETTA, KOTTAYAM, PIN - 686121
- 4 ANSARI E.P.
AGED 45 YEARS
S/O.PARIKOCH, EALAKAYAM HOUSE, NADACKAL P.O.,
ERATTUPETTA, KOTTAYAM, PIN - 686121
- 5 MUJEEB M M
AGED 45 YEARS
S/O.MUHAMMAD, MANKUZHACKAL HOUSE, NADACKAL PO,
ERATTUPETTA, KOTTAYAM, PIN - 686121
- 6 NEJIMUDHEEN @ NEJIMON



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- AGED 46 YEARS
S/O.ARSHUDHEEN, NEDUMPACHAYIL, VANDANPATHAL, R P C
P.O., ERUMELI NORTH, KOTTAYAM, PIN - 686513
- 7 T.S SAINUDEEN
AGED 46 YEARS
S/O.SAIDMUHAMMED, THAVALATHIL (H), PERUVANTHANAM P.O,
PARUVANTHANAM, KOTTAYAM, PIN - 685532
- 8 P.K. USMAN
AGED 45 YEARS
S/O.KUNJIPU, PALLIKKARA NJALI HOUSE, PERUMBILAVU,
CHIRANALLUR P.O, KOTTAYAM., PIN - 680501
- 9 MOHAMMAD ALI K @ KUNJAPPU
AGED 57 YEARS
S/O.MARAKKAR, KARAYIL HOUSE, VALANCHERY (PO),
MALAPPURAM, PIN - 676552
- 10 SULAIMAN C T
AGED 48 YEARS
S/O.VPM ABDUL AZEEZ ELAMBACHI, SOUTH THRIKARIPUR,
KASARAGOD, PIN - 671310

BY ADV.DR.ADITYA SONDHI (SR)
BY ADV.SRI.E.A.HARIS
BY ADV.SRI.P.P.HARRIS

RESPONDENT(S)/RESPONDENTS/COMPLAINANT:

- 1 UNION OF INDIA
REPRESENTED BY SUPERINTENDENT OF POLICE,
NATIONAL INVESTIGATION AGENCY, KOCHI, PIN - 682020
- 2 INSPECTOR OF POLICE
NATIONAL INVESTIGATION AGENCY,
NIA KOCHI UNIT, KOCHI, PIN - 682020

BY SRI.SASTHAMANGALAM S. AJITHKUMAR (SR.) SPECIAL
PUBLIC PROSECUTOR



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BY SRI.T.C.KRISHNA, SCGC

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON
20.06.2024 ALONG WITH CRL.A.1441/2023 AND CONNECTED
CASES, THE COURT ON 25.06.2024 DELIVERED THE FOLLOWING:



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

TUESDAY, THE 25TH DAY OF JUNE 2024/4TH ASHADHA, 1946

CRL.A.NO.1441 OF 2023

CRIME NO.2/2022 OF NATIONAL INVESTIGATION AGENCY KOCHI, ERNAKULAM.
AGAINST THE ORDER DATED 24.08.2023 IN CRL.M.P.NO.244 OF 2023 IN SC
NO.2 OF 2023 OF SPECIAL COURT FOR TRIAL OF NIA CASES,ERNAKULAM

APPELLANTS/PETITIONERS/ACCUSED NOS.38, 40, 41, 44, 45, 46, 56,
57, 58:

- 1 ALI K @ RAGAM ALI
AGED 56 YEARS
S/O.MOIDEENKUTTY, KUNNATHU HOUSE, UMI KUNNU,
PATTAMBI-P.O, PALAKKAD DISTRICT, PIN - 679303
- 2 FAYAS
AGED 29 YEARS
S/O.ABDUL RASHEED, RMF MANZIL, BEHIND JAMAT MOSQUE,
THOTTUPALAM, CHANDANAMKRUSSEI, NURANI P.O, PALAKKAD
DISTRICT, PIN - 678001
- 3 SADDAM HUSSAIN M.K.
AGED 31 YEARS
S/O.ALI, MULAYANKAYIL HOUSE, KALLAMKUZHI,
KANJIRAPPUZHA P.O, MANNARKKAD, PALAKKAD DISTRICT,
PIN - 678591
- 4 ASHRAF
AGED 30 YEARS
S/O.SAINUDEEN, KALLAMPARAMBIL HOUSE, LAKSHAM VEEDU,
KAVILPAD, OLAVAKKODE, PALAKKAD DISTRICT, PIN - 678002



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- 5 AKBAR ALI
 AGED 26 YEARS
 S/O.FAROOQ, PEZHUMKARA, PALLIPURAM P.O,
 PALAKKAD DISTRICT, PIN - 678004
- 6 NISHAD
 AGED 39 YEARS
 S/O.ABOOBACKER, NISHAD MANZIL, PALLIPARAMBU,
 PUDANUR, MUNDUR, PALAKKAD DISTRICT, PIN - 678592
- 7 RASHEED K.T @ KUNJUTTY
 AGED 41 YEARS
 S/O.ASSAINAR, KOTTILINGAL THODI, MANNENGOD,
 KARINGANAD, KOPPAM, PATTAMBI, PALAKKAD DISTRICT,
 PIN - 679307
- 8 SAIDALI @ MUTHU
 AGED 38 YEARS
 S/O.MOOSA, THOTTINGAL HOUSE, KULUKKALLUR,
 MAPPATTUKARA, KOPPAM, PATTAMBI, PALAKKAD DISTRICT,
 PIN - 679307
- 9 NOUSHAD M
 AGED 41 YEARS
 S/O.AVARA, MULLAPATTA, PATTAMBI, VILAYUR WEST P.O,
 PALAKKAD DISTRICT, PIN - 679309

BY ADV.DR.ADITYA SONDHI (SR)
BY ADV.SRI.S.SREEKUMAR (SR)
BY ADV.SRI.E.A.HARIS
BY ADV.SRI.P.P.HARRIS

RESPONDENT/RESPONDENT/COMPLAINANT:

UNION OF INDIA
REPRESENTED BY SUPERINTENDENT OF POLICE,
NATIONAL INVESTIGATION AGENCY, KOCHI, PIN - 682020



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BY SRI.SASTHAMANGALAM S. AJITHKUMAR (SR.) SPECIAL
PUBLIC PROSECUTOR
BY SRI.T.C.KRISHNA, SCGC

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON
20.06.2024 ALONG WITH CRL.A.139/2024 AND CONNECTED CASES,
THE COURT ON 25.06.2024 DELIVERED THE FOLLOWING:



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

TUESDAY, THE 25TH DAY OF JUNE 2024/4TH ASHADHA, 1946

CRL.A NO.1600 OF 2023

CRIME NO.2/2022 OF NATIONAL INVESTIGATION AGENCY KOCHI, ERNAKULAM
AGAINST THE ORDER DATED 13.10.2023 IN CRL.M.P.NO.416/2023 IN S.C.NO.2/2023
OF SPECIAL COURT FOR TRIAL OF NIA CASES, ERNAKULAM

APPELLANT(S) /PETITIONER/ACCUSED NO.15:

MOHAMMED MUBARAK A.I
AGED 34 YEARS
S/O.IBRAHIMKUTTY, AZHIVELIKAKATH HOUSE,
EDAVANAKKAD, VYPIN, ERNAKULAM, PIN - 682502

BY ADV.DR.ADITYA SONDHI (SR)
BY ADV.SRI.S.RAJEEV
BY ADV.SRI.P.A.MOHAMMED ASLAM
BY ADV.SRI.E.A.HARIS
BY ADV.SRI.P.P.HARRIS

RESPONDENT(S) /RESPONDENT/COMPLAINANT:

1 UNION OF INDIA
REPRESENTED BY INSPECTOR OF POLICE, NATIONAL
INVESTIGATION AGENCY, KOCHI., PIN - 682020

ADDL.RESPONDENT:

2 NATIONAL INVESTIGATION AGENCY
REP. BY STANDING COUNSEL FOR NIA, GIRINGAR HOUSING
COLONY, GIRI NAGAR HOUSING SOCIETY, GIRI NAGAR,



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KADAVANTHRA, ERNAKULAM, PIN - 682020

2ND ADDITIONAL RESPONDENT IS IMPEADED AS PER ORDER
DATED 03.11.2023 IN CRL.M.A.1/2023 IN
CRL.A.NO.1600/2023

BY SRI.SASTHAMANGALAM S. AJITHKUMAR (SR.) SPECIAL
PUBLIC PROSECUTOR
BY SRI.T.C.KRISHNA, SCGC

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON
20.06.2024 ALONG WITH CRL.A.139/2024 AND CONNECTED CASES,
THE COURT ON 25.06.2024 DELIVERED THE FOLLOWING:



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

TUESDAY, THE 25TH DAY OF JUNE 2024/4TH ASHADHA, 1946

CRL.A NO.619 OF 2024

CRIME NO.2/2022 OF NATIONAL INVESTIGATION AGENCY KOCHI, ERNAKULAM
AGAINST THE ORDER DATED 02.03.2024 IN CRL.M.P.NO.61 OF 2024 IN S.C.NO.
2 OF 2023 OF SPECIAL COURT FOR TRIAL OF NIA CASES,ERNAKULAM

APPELLANT(S)/PETITIONERS/ACCUSED NOS.42 & 43:

- 1 MUHAMMED RIZWAN
AGED 22 YEARS
S/O.ABDUL RASHEED, NEAR RAILWAY TRACK,
SHANKUVARAMEDU, KALPATHI, PALAKKAD DISTRICT,
PIN - 678003
- 2 ASHFAQ @ UNNI
AGED 24 YEARS
S/O.HANEEFA, PALLICHANTHU, KUNNUMPURAM, KALPATHI,
PALAKKAD DISTRICT, PIN - 678003

BY ADV.SRI.E.A.HARIS
BY ADV.SRI.P.P.HARRIS

RESPONDENT(S)/RESPONDENTS/COMPLAINANT:

- 1 UNION OF INDIA
REPRESENTED BY SUPERINTENDENT OF POLICE,
NATIONAL INVESTIGATION AGENCY, KOCHI, PIN - 682020



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2 INSPECTOR OF POLICE
NATIONAL INVESTIGATION AGENCY, NIA KOCHI UNIT,
KOCHI, PIN - 682020

BY SRI.SASTHAMANGALAM S. AJITHKUMAR (SR.) SPECIAL
PUBLIC PROSECUTOR
BY SRI.T.C.KRISHNA, SCGC
BY ADV.SRI.SREENATH SASIDHARAN

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON
20.06.2024 ALONG WITH CRL.A.NO.139/2024 AND CONNECTED
CASES, THE COURT ON 25.06.2024 DELIVERED THE FOLLOWING:



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

TUESDAY, THE 25TH DAY OF JUNE 2024/4TH ASHADHA, 1946

CRL.A NO.620 OF 2024

CRIME NO.2/2022 OF NATIONAL INVESTIGATION AGENCY KOCHI, ERNAKULAM
AGAINST THE ORDER DATED 02.03.2024 IN CRL.M.P.NO.565 OF 2023 IN S.C
NO.2 OF 2023 OF SPECIAL COURT FOR TRIAL OF NIA CASES, ERNAKULAM

APPELLANT(S)/PETITIONERS/ACCUSED NOS.11 & 12:

- 1 YAHIYA KOYA THANGAL
AGED 48 YEARS
S/O.KUNJI KOYA THANGAL, ADHINAYIL HOUSE,
PERUMBILAVU P.O., THRISSUR, PIN - 680519
- 2 ABDUL RAOOF C.A.
AGED 38 YEARS
S/O.MUHAMMED MUSLIYAR, CHAPPANGATHODIYIL HOUSE,
MARUTHUR, PATTAMBI, PALAKKAD, PIN - 679306

BY ADV.SRI.E.A.HARIS
BY ADV.SRI.P.P.HARRIS
BY ADV.SRI.RENJITH B.MARAR

RESPONDENT(S)/RESPONDENTS/COMPLAINANT:

- 1 UNION OF INDIA
REPRESENTED BY SUPERINTENDENT OF POLICE,
NATIONAL INVESTIGATION AGENCY, KOCHI, PIN - 682020
- 2 INSPECTOR OF POLICE
NATIONAL INVESTIGATION AGENCY, NIA KOCHI UNIT,



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KOCHI, PIN - 682020

BY SRI.SASTHAMANGALAM S. AJITHKUMAR (SR.) SPECIAL
PUBLIC PROSECUTOR
BY SRI.T.C.KRISHNA, SCGC
BY ADV.SRI.SREENATH SASIDHARAN

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON
20.06.2024 ALONG WITH CRL.A.139/2024 AND CONNECTED CASES,
THE COURT ON 25.06.2024 DELIVERED THE FOLLOWING:



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

TUESDAY, THE 25TH DAY OF JUNE 2024/4TH ASHADHA, 1946

CRL.A NO.623 OF 2024

CRIME NO.2/2022 OF NATIONAL INVESTIGATION AGENCY KOCHI, ERNAKULAM
AGAINST THE ORDER DATED 02.03.2024 IN CRL.M.P.NO.547 OF 2023 IN S.C
NO.2 OF 2023 OF SPECIAL COURT FOR TRIAL OF NIA CASES, ERNAKULAM

APPELLANT(S)/ACCUSED NO.3:

ABDUL SATHAR
AGED 52 YEARS
S/O.ALI KUNJI, MATHERAYATHU HOUSE,
KULASHEKHARAPURAM P.O., KARUNAGAPPALLY, KOLLAM,
PIN - 690523

BY ADV.SRI.E.A.HARIS
BY ADV.SRI.P.P.HARRIS
BY ADV.SRI.RENJITH B.MARAR

RESPONDENT(S)/RESPONDENTS/COMPLAINANT:

- 1 UNION OF INDIA
REPRESENTED BY SUPERINTENDENT OF POLICE,
NATIONAL INVESTIGATION AGENCY, KOCHI., PIN - 682020
- 2 INSPECTOR OF POLICE
NATIONAL INVESTIGATION AGENCY, NIA KOCHI UNIT,
KOCHI., PIN - 682020

BY SRI.SASTHAMANGALAM S. AJITHKUMAR (SR.) SPECIAL
PUBLIC PROSECUTOR



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BY SRI.T.C.KRISHNA, SCGC
BY ADV.SRI.SREENATH SASIDHARAN

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON
20.06.2024 ALONG WITH CRL.A.139/2024 AND CONNECTED CASES,
THE COURT ON 25.06.2024 DELIVERED THE FOLLOWING:



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

TUESDAY, THE 25TH DAY OF JUNE 2024/4TH ASHADHA, 1946

CRL.A.NO.628 OF 2024

CRIME NO.2/2022 OF NATIONAL INVESTIGATION AGENCY KOCHI, ERNAKULAM
AGAINST THE ORDER DATED 02.03.2024 IN CRL.M.P.NO.72 OF 2024 IN S.C.NO.
2 OF 2023 OF SPECIAL COURT FOR TRIAL OF NIA CASES,ERNAKULAM

APPELLANT(S)/ACCUSED NO.53:

ABDUL KABEER
AGED 43 YEARS
S/O.KUNJIMOIDEEN, MELE CHERUKUNNATH HOUSE, CHERKODE,
VALLAPUHA-P.O, PATTAMABI, PALAKKAD DISTRICT,
PIN - 679303

BY ADV.SRI.E.A.HARIS
BY ADV.SRI.P.P.HARRIS

RESPONDENT(S)/RESPONDENTS/COMPLAINANT:

- 1 UNION OF INDIA
REPRESENTED BY SUPERINTENDENT OF POLICE,
NATIONAL INVESTIGATION AGENCY, KOCHI,
PIN - 682020
- 2 INSPECTOR OF POLICE
NATIONAL INVESTIGATION AGENCY,
NIA KOCHI UNIT, KOCHI., PIN - 682020

BY SRI.SASTHAMANGALAM S. AJITHKUMAR (SR.) SPECIAL
PUBLIC PROSECUTOR
BY SRI.T.C.KRISHNA, SCGC



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BY ADV.SRI.SREENATH SASIDHARAN

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON
20.06.2024 ALONG WITH CRL.A.NO.139/2024 AND CONNECTED
CASES, THE COURT ON 25.06.2024 DELIVERED THE FOLLOWING:



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'C.R'

J U D G M E N T

Dr. A.K. Jayasankaran Nambiar, J.

The appellants before us impugn the orders passed by the Special Court for the Trial of NIA Cases, Ernakulam, in S.C.No.02/2023/NIA/KOC, that denied them bail under Section 439 of the Code of Criminal Procedure, by relying on the provisions of Section 43D (5) of the Unlawful Activities (Prevention) Act, 1967 [hereinafter referred to as the "UA (P) Act"].

Background facts:

3. In connection with the murder of an RSS worker Srinivasan, at Melamuri Junction in Palakkad Town in Kerala, on 16.04.2022, allegedly by members of the Popular Front of India [PFI] cadres, an FIR No.318/2022 dated 16.04.2022 was registered at Palakkad Town South Police Station under Sections 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 read with 149 of the Indian Penal Code and Section 3(a)(b)(d) read with 7 of the Religious Institutions (Prevention of Misuse) Act, 1988. Pursuant to the investigation conducted



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in the said case, 51 persons were arraigned as accused by the State and 44 among them were arrested. One among those arrested died and 7 of the accused persons could not be arrested because they were absconding. The Investigation Officer of the Town South Police Station, Palakkad filed charge sheets against 44 accused in two phases before the Judicial First Class Magistrate Court - III, Palakkad. The charge sheet against 26 accused was filed on 13.07.2022 and the charge sheet against the remaining 18 accused was filed on 12.12.2022. The case was committed to the Sessions Court Palakkad and numbered as S.C.No.982 of 2022. Insofar as the absconding accused were concerned, the case was kept pending before the JFMC-III, Palakkad as C.P.No.41/2022 and C.P.No.61/2022.

4. While so, based on information received by the Central Government that the office bearers and cadres of PFI and its affiliates in Kerala have conspired to instigate communal violence and radicalise its cadres to commit terrorist acts in the State of Kerala and various other parts of the country, the National Investigation Agency [NIA] was directed by an order dated 16.09.2022 passed under Section 6(5) read with Section 8 of the National Investigation Agency Act, 2008 to take up and investigate the case against the accused mentioned in the said order. Immediately, thereafter an FIR No.RC-02/2022/NIA/KOC dated 19.09.2022 was registered at the NIA Police Station, Kochi against the same accused, under Sections 120B and



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153A of the IPC read with Sections 13, 18, 18B, 38 and 39 of the UA (P) Act, 1967. The individual accused aforementioned were thereafter arrested on 26.09.2022. Two days later, on 28.09.2022, the Central Government declared PFI as an unlawful Association.

5. On 14.12.2022, a report was submitted before the Special Court in Crime No.RC 02/2022/NIA/KOC for extending the period of judicial custody of the accused mentioned therein beyond 90 days and upto 180 days. Shortly thereafter, by an order dated 19.12.2022, the Central Government, in continuation of its order dated 16.09.2022, and placing reliance on a report dated 13.12.2022 of the NIA that stated that FIR No.318/2022 dated 16.04.2022 registered at Palakkad Town South Police Station relating to the murder of RSS worker Srinivasan by PFI cadres at Palakkad on 16.04.2022 is a connected offence with RC-02/2022/NIA/KOC of the NIA, opined that since it appeared from both the aforementioned cases that there is a larger conspiracy hatched by the leaders of PFI whose involvement is noticed by the presence of senior leaders in Palakkad on the day of the murder of Srinivasan, where the conspiracy was hatched, the FIR No.318/2022, which has grave national and international ramifications needed to be thoroughly investigated to unearth the wider conspiracy and to identify the other accused. It accordingly directed the NIA to take up the investigation of FIR No.318/2022 dated 16.04.2022 under Section 6(5) read with Section 8 of the



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NIA Act, 2008.

6. On 20.12.2022, the Superintendent of Police, NIA, Kochi addressed a letter to the High Court of Kerala requesting to transfer the entire case records pertaining to FIR No.318/2022 of Palakkad Town South Police Station pending before the Additional District & Sessions Court-I, Palakkad (as S.C.No.982/2022) and the committal proceedings C.P.No.41/2022 and C.P.No.61/2022 pending before the JFMC-III, Palakkad to the Special Court for Trial of NIA Cases, Ernakulam. The said request was acceded to by the High Court on the administrative side and the transfer sought for was ordered on 23.01.2023, and the Special Court was directed to proceed with the case in accordance with law.

7. On 04.02.2023 an application was preferred by the Inspector/CIA, NIA before the Special Court to keep in abeyance all proceedings in Crime No.318/2022 which was transferred to the Special Court and re-numbered as S.C.No.1/2023/NIA. The Special Court by its order dated 08.02.2023 in CrI.MP. No.80/2023 directed the proceedings in Crime No.318/2022 to be kept pending. Thereafter, on 10.02.2023, the formal arrest of those accused in R.C.No.2/2022, who were already arrested and in custody in Crime No.318/2022, was recorded. On 16.03.2023, the Central Government passed an order according sanction for prosecution under Section 45(1) of the UA (P) Act, 1967 and Section 196 of Cr.PC for prosecuting the persons shown as



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accused in the said order in Crime No.RC 02/2022/NIA/KOC of NIA and for taking cognizance of the said offence by a court of competent jurisdiction. Immediately thereafter, on 17.03.2023, NIA filed the consolidated charge sheet in the said case. Supplementary charge sheets dated 06.11.2023 and 12.04.2024 were also filed by the NIA against two of the accused who were initially absconding.

8. It was immediately after the respective charge sheets were filed by the NIA before the Special Court that the appellants/accused approached the Special Court with their applications under Section 439 of the Cr.PC for the grant of bail and in which the orders impugned in these appeals came to be passed.

The Arguments of Counsel:

9. We have heard the learned Senior Counsel Dr. Aditya Sondhi and Sri.S.Sreekumar, duly assisted by Sri.E.A.Haris, the learned counsel and also Sri.P.P.Haris, Sri.S.Rajeev and Sri.Renjith B. Marar, the learned counsel for the appellants/accused and the learned Senior Counsel Sri. Sasthamangalam S. Ajithkumar for the prosecution. The learned Senior Counsel for the appellants have taken us through the respective Final Reports filed by the NIA and the State Government in S.C.No.2/2023/NIA and S.C.No.1/2023/NIA (formerly S.C.No.982/2022) to highlight that, apart from vague and general



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allegations regarding the commission of offences, including involvement in a conspiracy, there is nothing in the final reports that would point conclusively to the commission of any offence by the appellants, much less an offence under the UA (P) Act. They rely on the judgments in **National Investigation Agency v. Zahoor Ahmad Shah Watali - [2019 KHC 6384]**, **Thwaha Fasal and Another v. Union of India and Another - [2021 (6) KHC 228]**, **Union of India (UOI) v. K.A. Najeeb - [AIR 2021 SC 712]**, **Vernon v. State of Maharashtra - [2023 KHC 6743]**, **Union of India v. Barakathullah - [2024 KHC OnLine 6313]**, **National Insurance Company Limited v. Pranay Sethi and Others - [AIR 2017 SC 5157]** and **Amar Singh Yadav and Others v. Shanti Devi and Others - [AIR 1987 Pat 191 (FB)]** to contend that on an application of the principles stated in the said judgments, as regards the manner in which the provisions of Section 43D (5) of the UA (P) Act are to be interpreted, the trial court ought not to have denied the appellants the bail sought for.

10. Per Contra, the learned Senior Counsel Sri. Sasthamangalam S. Ajithkumar, appearing on behalf of the prosecution, takes us through the material available with the prosecution, and which formed part of the final report that was filed in the matter, to contend that there was enough material therein to afford reasonable grounds for a court to believe that the accusations against the appellants were *prima facie* true. He would argue



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that, unlike in the cases falling for consideration under the Cr.PC, while considering the grant of bail under Section 43D (5) of the UA (P) Act, the court is to proceed on the understanding that the grant of bail can only be under exceptional circumstances.

The Entitlement to Bail - Rule or Exception ?

11. Before embarking on a discussion of the material before us, and in order to determine the entitlement of the appellants herein to bail, we feel it would be apposite to notice and inform ourselves of the principles that should guide us in that exercise.

12. The word "Bail" derives from the French word "*Baillier*" which means to give or deliver. It refers to the setting at liberty of a person arrested or imprisoned on security being taken for the appearance on a certain day and at a certain place and such security is called bail because the party arrested or imprisoned is delivered into the hands of those who bind themselves for his forthcoming in order that he may be safely protected from prison. The concept of bail emerges from the conflict between the police power to restrict the liberty of a person who is alleged to have committed a crime and the presumption of innocence in his favour. Unless the deprivation of liberty is by way of a punishment under law, it can only be imposed to ensure the presence of the individual at the trial and to prevent



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the continued infliction of harm by the individual on society. Thus, the primary purpose of bail is neither punitive nor preventive. Rather, it is to relieve the accused of imprisonment, to relieve the state of the burden of keeping him pending the trial and at the same time to keep the accused constructively in the custody of the court, whether before or after the conviction, to assure that he will submit to the jurisdiction of the court and be in attendance therein whenever his presence is required. The effect of granting bail is to release the accused from internment, though the court would still retain constructive control over him through the sureties **[State of Haryana v. Nauratta Singh - [AIR 2000 SC 1179]]**.

13. In our country, where the governance of the people is through the rule of law, and by adherence to a written Constitution, the entitlement of an accused to bail is determined by juxtaposing the facts on record against the statutory provisions obtaining under (i) the Constitution, (ii) the Code of Criminal Procedure and (iii) the applicable special statutes, if any. Recognising the primacy of the Constitution in our criminal/bail jurisprudence, a three Judge bench of the Supreme Court in **UOI v. K.A. Najeer - [(2021) 3 SCC 713]** observed that the presence of statutory restrictions *per se* does not oust the ability of constitutional courts to grant bail on grounds of violation of Part III of the Constitution.



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14. The Constitution is the paramount source of law in our country - the fundamental norm, or *Grundnorm* as per Kelsen's Pure Theory of Law. All other laws, including the Code of Criminal Procedure and other Special Statutes, assume validity because they are in conformity with the Constitution. In fact, the Constitution itself contains provisions that clearly provide that any law which is in violation of its provisions is unlawful and is liable to be struck down. It is therefore that, while interpreting the provisions of any statute, we cannot ignore the corresponding provisions under the Constitution. This is more so in matters of personal freedom such as the grant of bail to an accused because, among all the rights that are deemed fundamental, guaranteed and protected under our Constitution, the right to life and personal liberty under Article 21 thereof, is the most cherished right. So zealous is its safeguard under the constitutional scheme that its abridgment is permitted only if the law that provides for it is neither 'arbitrary' nor 'discriminatory', as envisaged under Article 14 of the Constitution, and the restrictions imposed are 'reasonable' within the meaning of that term under Article 19(2) of the Constitution.

15. As for the provisions of the Code of Criminal Procedure, 1973, the provisions for bail, in cases such as the instant appeals, are as contained in Chapter XXXIII of the Code. The matters to be considered by a court while deciding an application for bail under the Code are well settled, and the



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court essentially looks to (i) whether there is any *prima facie* or reasonable ground to believe that the accused had committed the offence; (ii) the nature and gravity of the charge; (iii) the severity of the punishment in the event of conviction; (iv) the danger of the accused absconding or fleeing if released on bail; (v) the character, behaviour, means, position and standing of the accused; (vi) the likelihood of the offence being repeated; (vii) reasonable apprehension of witnesses being tampered with, and (viii) the danger of justice being thwarted by the grant of bail **[State of UP through CBI v. Amarmani Tripathi - [(2005) 8 SCC 21]; NIA v. Zahoor Ahmad Shah Watali - [(2019) 5 SCC 1]]**.

16. Under the UA (P) Act, 1967, in relation to offences punishable under Chapters IV and V of the said Act, the power of a court to grant bail to an accused is hedged in by two further conditions namely (i) that the accused shall not 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 and (ii) that the accused 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 Cr.PC, is of the opinion that there are reasonable grounds for believing that the accusation against such person is *prima facie* true. The above restrictions are in addition to the restrictions under the Cr.PC or any other law for the time being in force on granting of bail, and



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are traceable to Article 19(2) of our Constitution. A Constitution bench of the Supreme Court in **Kaushal Kishore v. State of U.P - [(2023) 4 SCC 1]**, has observed that Article 19(2) of our Constitution permits the State to make laws restricting free speech with a view to affording protection to the following categories viz.

- a. The individual - against the infringement of his dignity, reputation, bodily autonomy and property;
- b. Different sections of society professing or practising, different religious beliefs/sentiments - against offending their beliefs and sentiments;
- c. Classes/groups of citizens belonging to different races, linguistic identities, etc - against an attack on their identities;
- d. Women and children - against violation of their special rights;
- e. The State - against the breach of its security;
- f. The country - against an attack on its sovereignty and integrity;
and
- g. The Court - against an attempt to undermine its authority;

17. In the case of offences under the UA (P) Act, the statutory protection through Section 43D is envisaged *inter alia* to categories (b), (e) and (f) above. At the same time, the role envisaged under the constitutional scheme for the court is to be “a gatekeeper (and a conscience keeper) to strictly check the entry of restrictions into the temple of fundamental rights.



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The role of the court is to protect fundamental rights limited by lawful restrictions and not to protect restrictions and make the rights residual privileges" (emphasis supplied).

18. Section 43D was introduced in the UA (P) Act, 1967 through an amendment in 2008. The statement of objects and reasons to the Amendment Bill (No.76 of 2008), which later became Act 35 of 2008 and took effect from 31.12.2008, reads as under:

"In view of the concerns and complaints expressed about the manner in which provisions of the Prevention of Terrorism Act, 2002 had been applied including instances of misuse, the Act was repealed in 2004. At the same time, keeping in view that India has been a front-runner in the global fight against terrorism, its commitments in terms of the United Nations Security Council Resolution 1373 dated 28th September, 2001 and the resolve not to allow any compromise in the fight against terrorism, the Unlawful Activities (Prevention) Act, 1967 was amended to make provisions to deal with terrorism and terrorist activities. There have been significant developments since then at the national and the international level. Terrorist incidents and activities sponsored from across the borders, in various parts of India and elsewhere, continue to cause concern. Hence, the legal framework for dealing with such activities, including measures related to financing of terrorism, has been further reviewed. The Administrative Reforms Commission in its Report 'Combatting Terrorism - Protecting by Righteousness', has also made various recommendations in this regard. Suggestions in this respect have also been received from various other sources. After due consideration and examination of these recommendations and suggestions, the Government is of the view that further provisions are required to be made in the law to cover various facets of terrorism and terrorist activities, including financing of terrorism, which are not fully covered in the present law, and to make further provisions with the aim of strengthening the arrangements for speedy investigation, prosecution and trial of cases related to terrorism related offences, while at the same time ensuring against any possible misuse of such provisions. These provisions are proposed to be incorporated in the Unlawful Activities (Prevention) Amendment Bill, 2008."

19. Interpreting the words '*prima facie*' appearing in the proviso to



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Section 43D (5) of the UA (P) Act, the Supreme Court in **Watali (supra)** observed that 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 FIR 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. In other words, the material on record had to be good and sufficient on its face to establish a given fact or chain of facts constituting the stated offence, unless rebutted or contracted. At the same time, the court also observed that the degree of satisfaction to be recorded by the court, for opining that there are reasonable grounds for believing that the accusation 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 UA (P) Act. In determining the above, the court is not required to undertake an elaborate examination or dissection of the evidence at that stage, but is merely expected to record a broad finding on the basis of broad probabilities regarding the involvement of the accused in the commission of the stated offence or otherwise (*emphasis supplied*).

20. On facts, the court in **Watali (supra)** found that apart from the statements obtained from witnesses, which the High Court had found to be insufficient for denying bail, there was also clear evidence to show that the



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accused had received money from terrorist organisations situated abroad and of passing on funds to Hurriyat leaders. It was under those circumstances that the bail granted by the High Court was cancelled.

21. In **UOI v. K.A. Najeeb - [(2021) 3 SCC 713]**, where the Special Court had denied bail to the accused under Section 43D (5) of the UA (P) Act, the High Court granted the bail in appeal, by taking note of the long period of incarceration and the unlikelihood of the trial being completed anytime in the near future. The said decision of the High Court was affirmed by the Supreme Court that went on to re-iterate that statutory restrictions like Section 43D (5) of UA (P) Act do not oust the ability of constitutional courts to grant bail on grounds of violation of Part III of the Constitution.

22. In **Thwaha Fasal & Anr. v. UOI & Anr. - [(2022) 14 SCC 766]**, while holding that an accused who was merely supporting a terrorist organisation would not attract the offence under Section 38 of the UA (P) Act, the court went on to observe that the association and support have to be with the intention of furthering the activities of a terrorist organisation; that in a given case, such intention can be inferred from the overt acts or acts of active participation of the accused in the activities of a terrorist organisation which are borne out from the materials forming part of the charge sheet (emphasis supplied). The court also found that there was no possibility of the trial being concluded in a reasonable time.



23. In **Vernon v. State of Maharashtra - [2023 KHC 6743]**, the court once again re-iterated that mere association of an accused with a terrorist organisation would not suffice to deny him bail under the UA (P) Act. That apart, it was held that while examining the *prima facie* worth of letters and witness statements that were relied upon by the prosecution, the court had also to examine whether the documents relied upon were seized from the accused or whether he was the author of those documents. In other words, the court unambiguously found that in the absence of any material that could be attributed to the accused, the said material would have to be treated as of weak probative value and hence insufficient to deny bail to the accused (*emphasis supplied*).

24. In **Shona Kanti Sen v. State of Maharashtra - [2024 KHC 6182]**, the court while dealing with the allegation that the accused therein had committed the offences punishable under Sections 16, 17 and 18 of the UA (P) Act, followed its earlier decision in **Vernon (supra)** and re-iterated that there had to be evidence of an overt act by the accused to corroborate the allegations against her as regards funding of, or receipt of money from, terrorists.

25. In **Gurwinder Singh v. State of Punjab & Anr - [(2024) SCC Online SC 109]** and **UOI v. Barakathullah - [2024 KHC 6313]**, the court



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re-iterated the principles laid down in **Watali (supra)**, to hold that it is not permissible for a court considering a bail application to discard material or documents produced by the prosecution on the ground of being not reliable or inadmissible in evidence. The court has to look at the contents of the documents and take such documents into account as it is and satisfy itself on the basis of broad probabilities regarding the involvement of the accused in the commission of the alleged offences for recording whether a *prima facie* case is made out against the accused.

26. Over and above the principles gleaned from the precedents referred above, we feel that in cases such as the present, where the allegation against the accused is that they were complicit in terrorism related offences, a court examining the evidence against the accused under Section 43D of the UA (P) Act has also to guard itself against any confirmation bias that might creep in based on ideological biases and false narratives prevalent in society. Such an exercise would be required, not only in keeping with the requirement of safeguarding the personal liberty of the accused under Article 21, but also in the interests of upholding the fundamental right of an accused against arbitrariness and/or discrimination as envisaged under Article 14 of the Constitution. The role of any court, not just the constitutional courts, must be to lean in favour of the fundamental rights of the accused, and not in favour of the restrictions that can be



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imposed on those rights.

27. It is against the backdrop of the aforesaid discussion that we have to exercise our discretion in the matter of grant or refusal of bail in these appeals. Our experience shows us that it is not an easy task. In the words of Benjamin Cardozo:

“the judge, even when he is free, is still not wholly free. He is not to innovate at pleasure. He is not a knight errant roaming at will in pursuit of his own ideal of beauty or goodness. He is to draw his inspiration from consecrated principles. He is not to yield to spasmodic sentiment, to vague and unregulated benevolence. He is to exercise a discretion informed by tradition, methodised by analogy, disciplined by system, and subordinated to the primordial necessity of order in social life. Wide enough in all conscience is the field of discretion that remains.”

28. How then are we to proceed in this matter ? On a consideration of the statutory interplay between the Constitution, the Cr.PC and the UA (P) Act, as also the precedents discussed above, we believe that while considering these appeals for bail, we may safely proceed with the following assumptions viz.

- That the liberty of a citizen is put at a very high pedestal in our country, and that treatment flows from the mandate of Article 21 of our Constitution;
- That the right to a fair trial is an integral aspect of the right under Article 21 and, save in exceptional circumstances where a



statutory restriction operates, if an accused is not enlarged on bail prior to his trial, he will not be in a position to effectively defend himself at the trial;

- That there is a cardinal presumption of innocence working in favour of an accused under our laws, which is dislodged only when the accused is found guilty of the offence beyond reasonable doubt, and convicted by a court of competent jurisdiction;
- That pre-trial detention is not meant to be punitive in its effect;
- That for determining whether there are reasonable grounds for believing that the accusation against the accused person is *prima facie* true, we have to peruse the materials forming part of the charge sheet against the accused, and record a broad finding, on the basis of broad probabilities, regarding the involvement of the accused in the commission of the stated offence or otherwise.
- That the degree of satisfaction to be recorded by the court, for opining that there are reasonable grounds for believing that the accusation 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 UA (P) Act.
- That while examining the materials relied upon to support the allegation of terrorism related offences against the accused, the court has to guard against ideological biases and false narratives that are prevalent in society. Further, while arriving at the belief that the accusation against the accused person is *prima facie* true,



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the court has to lean in favour of the fundamental rights of the accused and not in favour of the restrictions that can be imposed on those rights.

- That, in the event we find that there are no reasonable grounds for believing that the accusation against the accused person is *prima facie* true, a balancing has to be done between (i) the need to give the investigating authorities a reasonable time to complete their investigation after taking note of the stage of investigation and the materials obtained by them, (ii) the possibility of the accused tampering with the evidence or witnesses, and (iii) the likelihood of the accused fleeing from justice.

29. Proceeding thus, we feel that it is only in respect of those appellants/accused, against whom the material relied upon by the prosecution, when taken as a whole, crosses the threshold of 'general allegations coupled with overt acts that would clearly suggest the complicity of the accused in the offence with which he is charged', that we can say with any degree of conviction that there are reasonable grounds for believing that the accusation against that person is *prima facie* true. In other words, there has to be some corroborative material, other than mere statements of witnesses, to show that there were overt acts or acts of active participation by the appellants/accused, such as authorship of offensive documents and/or



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speeches, in order to deny them bail.

30. In the case of those persons against whom the material relied upon by the prosecution comprises only of statements of witnesses and/or documents and material objects that cannot be attributed to them in any manner, we will have to enlarge them on bail, more so because we find that the appellants/accused before us have suffered incarceration for over a year, and in many cases more than two years, and it is very unlikely that the trial in their cases will be concluded in the near future.

31. We now proceed to deal with the charges and evidence against each of the appellants/accused in these appeals. In the paragraphs that are to follow, we have narrated the charges levelled against each of the appellants/accused, the objections raised by the prosecution to the grant of bail to them, the material relied upon by the prosecution to justify their objection, and our reasons for the grant/denial of bail to them.

Discussion of the evidence against the appellants:

32. The appeals before us can be broadly categorised into two categories viz.

- (i) those emanating from Crime No.318/2022 dated 16.04.2022 of the Palakkad Town South Police Station and was subsequently transferred to the Special Court and re-numbered as



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S.C.No.1/2023/NIA (CrI.A.Nos.1441/2023; 619/2024; 628/2024);
and

- (ii) those emanating from FIR No.RC-02/2022/NIA/KOC dated 19.09.2022 that was registered at the NIA Police Station, Kochi. (CrI.A.Nos.1600/2023; 139/2024; 620/2024; 623/2024)

33. In the case of the accused falling under category (i) above, the charges against them were originally confined to offences under the IPC and the Religious Institutions (Prevention of Misuse) Act, 1988. It was only later, after the NIA took over the investigation of the case, that they were also charged with offences under the UA(P) Act, 1967. As for those of the accused falling under category (ii) above, they were charged with the commission of offences under the IPC and the UA (P) Act, and they did not feature as accused in Crime No.318/2022 of the Palakkad Town South Police Station. The documents and material relied upon by the prosecution, while opposing the appeals preferred by the appellants/accused, have to be viewed in that context.

34. As for the materials forming part of the charge sheet against the appellants/accused, we note that the materials that apply in common to all the appellants/accused are (i) Doc.No.1376, (ii) a voice clip recovered from the mobile phone of A15 Mohammed Mubarak, and (iii) the statements of Protected Witnesses 2,14 and 16 and that of an Approver.



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35. Doc.No.1376 is a printed document titled "*India 2047 - Towards Rule of Islam in India*" and is stated to be an "*Internal document; Not for circulation*". It is in the nature of a vision statement that deals with the present state of the Muslim community in India, projects a vision for the year 2047 that sees the establishment of an Islamic government in India, and gives a narration of the means, mostly covert and violent, by which its author, apparently a member/supporter of the PFI, seeks to attain his or the organisation's objective. There is no authorship attributed to anyone in the document. However, the prosecution appears to proceed on the assumption that all of the accused herein have subscribed to the views contained therein.

36. As for the voice clip recovered from the mobile phone of A15 Mohammed Mubarak, there is nothing to suggest that the voice in the clip is that of A15. Even the prosecution does not have a case that the voice is that of A15. There is also no scientific evidence linking the voice with that of any of the other accused.

37. The statements of the protected witnesses 2, 14 and 16, which we have perused, narrate the process of recruitment that was followed by the PFI, of which they were members, and give details of the objectives of the said organisation which were to oppose the alleged concerted state action against members of the Muslim community and to protect the said



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community from the violent attacks of Hindu organisations. The statements mention the roles played by A2 Ashraf Moulavi, A3 Abdul Sathar, A11 Yahya Koya Thangal, A12 Abdul Raof and A13 Mohammed Ali @ Kunjappu in the functioning of the PFI.

38. Apart from the above evidence that is common in relation to all of the appellants/accused, we find that the prosecution has placed reliance on the statements of protected witnesses, charge witnesses and approvers, in addition to documents and material objects against each of the individual accused before us. We have gone through the said material. While going through the evidence obtained from protected witnesses as well as approvers, we have borne in mind the fact that their statements do not have a greater probative value than the statements of ordinary witnesses. In fact, their statements have to be seen as akin to those of an interested witness and hence of weaker probative value than the statement of other witnesses. Similarly, when it comes to reliance on material objects and documents, we have taken into consideration only such of the documents and material objects as can be specifically attributable to the accused concerned. The overall object of our scrutiny of the material against the accused has been to see whether, apart from the general statements of witnesses, and the recovery of audio/visual material in circulation among the general public, there is any specific material that would point to an overt act or active



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participation of the accused concerned in relation to the offence with which he is charged.

39. We may now notice the charges levelled against the various appellants/accused, and the objections put forward by the prosecution to the grant of bail to them, in the appeals before us:

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1. Ashraf S. @ Karamana Ashraf Moulavi (A-2)

Charge:

a) That, the accused **Ashraf S. @ Karamana Ashraf Moulavi (A-2)** 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 tranquillity 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.



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b) Therefore, accused **Ashraf S. @ Karamana Ashraf Moulavi (A-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.

Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses 2, 14 & 16 & Statement of approver recorded u/s 164 of Cr.P.C).

(ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses 2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI-MO-583, Doc. No.240, 242 to 246, Protected Doc.1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused - Protected witnesses - 19, 20, 22, 25, 39 to 47, CW-605 to 608).

(iii) He is the 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 - (Statement of CW - 609, 610, 611, 613, 615, 624, 629, 638, 639, 640, 641 and Protected witnesses-1, 3, 4, 6, 7, 10, 14, 16, 52, D-758 - List of leaders of NWF, a frontal organisation of PFI, seized during his house search).

(iv) 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: (Doc. India 2047 — D-1376, Protected witnesses-3, 4 — speaks arms training by A-2).

(v) He also encouraged vulnerable youth to join terrorist organisation ISIS/Daesh. He also conspired to establish Islamic Rule in India by committing terrorist acts. (Statement of PW-6, PW-7, MO-271- pen drive contains materials related to ISIS).

(vi) He incited the people to cause communal disharmony and disturbed the public tranquillity in the State at large (PW-6, PW-7, Statement of approver-A-57, Protected witnesses- 19, 20, 22, 25, 39 to 47, CW-605 to 608 — speaks about terror created by the PFI and



its cadres).

(vii) 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. (PW-3, PW-4 — speaks arms training by A-2, Doc -757 search list, Doc-759 — Speech points reg. CAA, Love Jihad etc. Doc. India 2047 — D-1376, MO-271 Pen drive (Soft copy of Hand written note regarding financial transaction with accused in the Renjith Sreenivasan murder case, Sreenivasan murder case and Sanjith murder case recovered from his pen drive, Soft copy of list of leaders of RSS and other Hindu organisations recovered from his pen drive. Soft copy of Hand written notes regarding keeping of knife, sword, iron bar and bomb etc recovered from his pen drive), MO-268 (Mobile)- contains details of WhatsApp contacts with accused in Sreenivasan murder case, Renjith Sreenivasan murder case and Praveen Nettaru murder case).

(viii) 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 Srinivasan on 16.04.2022. (Statement of Protected witnesses-18, PW-19, Statement of approvers A-57 and D-1452- CDR. Protected witnesses- 19, 20, 22, 25, 39 to 47, CW-605 to 608 — speaks about terror created by the PFI and its cadres.

(ix) The final report discloses prima-facie case against the appellant and therefore there is bar U/sec. 43D(5) of the UA (P) Act for release of the appellant/accused on bail.

(x) The Hon'ble Special court for NIA cases Ernakulam commenced the hearing of Charge of SC-02/2023 in RC-02/2022/NIA/KOC on 12.10.2023 and the Special Prosecutor for NIA opened the case on 12.10.2023 and describing accusation against the Charge sheeted accused and stating the evidence proposed to be proved the guilt of the accused, Upon hearing the submission of the prosecution, the defence counsel for accused Muhammed Mubarak (A-16) (now A-15) filed discharge petition before the Hon'ble Special court for NIA cases Ernakulam and same is posted



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2. Sadik A. P. @ A. Sadiq Ahmed (A-4)

Charge:

a) That, the accused **Sadik A. P @ A Sadiq Ahmed (A-4)** 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.

b) Therefore, accused **Sadik A. P @ A Sadiq Ahmed (A-4)** committed offences punishable under sections 120B & 153A of IPC and sections 13, 18, 18A & 20 of UA (P) Act.

Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses-2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses-2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI-MO-583, Doc. No.240, 242 to 246, Protected Doc. 1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused-Protected witnesses-19, 20, 22, 25, 39 to 47, CW- 605 to 608).



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(iii) The accused **Sadik A. P @ A Sadiq Ahmed (A-4)** the 2nd appellant/accused, is the District Secretary of Popular Front of India (PFI), Pathanamthitta District. (CW-634, 635, Protected witnesses - 3, 11, 12, 30, 31, MO-280 - PFI uniforms seized during his house search, MO-281 - Mobile phone contains various PFI related images, videos etc.)

(iv) He is 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 - Doc. India 2047 - D-1376, CW-634, 635, Protected witnesses- 3, 11, 30, 31, D-761 to 764 (search list and PFI documents), MO-276-Laptop contains the DYFI members encircled as targets, Doc. D-1442 1450, 1452 (CDRs) shows his location at arms training place, association with co-accused etc. Doc. D-1067, D-1117 (Social media data) contains hate slogan video, threatening message, video Justifying criminal activity of PFI, Facebook chats justifying Abhimanyu murder, PE training related messages etc.

(v) The final report discloses prima-facie case against the appellant/accused and therefore there is bar U/sec. 43D (5) of the UA (P) Act for release of the appellant/accused on bail.

(vi) The Hon'ble Special court for NIA cases Ernakulam commenced the hearing of Charge of SC-02/2023 in RC-02/2022/NIA/KOC on 12.10.2023 and the Special Prosecutor for NIA opened the case on 12.10.2023 and describing accusation against the Charge sheeted accused and stating the evidence proposed to be proved the guilt of the accused. Upon hearing the submission of the prosecution, the defence counsel for accused Muhammed Mubarak (A-16) (now A-15) filed discharge petition before the Hon'ble Special court for NIA cases Ernakulam and same is posted for hearing on 07.02.2024.

3. Shihash M.H. @ Shihash Mailadi (A-5)

Charge:



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a) That, the accused **Shihash M H @ Shihash Mailadi (A-5)** 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.

b) Therefore, accused **Shihash M H @ Shihash @ Shihash Mailadi (A-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.

Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses - 2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses - 2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI-MO-583, Doc. No.240, 242 to 246, Protected Doc. 1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused-Protected witnesses - 19, 20, 22, 25, 39 to 47, CW- 605 to 608).



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(iii) The accused Shihash M H @ Shihash @ Shihash Mailadi (A-5), the 3rd appellant/accused is a Zonal Secretary of Popular Front of India (PFI), Ernakulam Zone. (Protected witnesses - 3, 8, 9, 12, 21, 52, CW-611, 613, 615, 636, 637 and 640).

(iv) 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 organised and supervised the Arms and Physical training to PFI cadres in PFI Office Periyar Valley Campus and Erattupetta on various occasions. (Doc.1376. protected witnesses - 3, CW-636, 637, MO-282 (Mobile) contains PFI related Images, videos and contacts with accused Sirajuddeen in Nandu Murder case.)

(v) He had secret meetings at Peace Valley for conducting arms training, as a part of preparation for committing terrorist acts - (Protected witnesses - 9, 21)

(vi) He is a member of terrorist gang formed to commit terrorist act of murdering Srinivasan on 16.4.2022 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 Srinivasan on 16.04.2022. He committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquillity in the State at large - Protected witnesses - 18, 19 and Statement of approvers A-57. (Protected witnesses - 19, 20, 22, 25, 39 to 47 and CW-605 to 608 - speaks about terror created by the PFI and its cadres).

(vii) The final report discloses prima-facie case against the appellant/accused and therefore there is bar U/s. 43D (5) of the UA (P) Act for release of the appellant/accused on bail.

(viii) The Hon'ble Special court for NIA cases Ernakulam commenced the hearing of Charge of SC-02/2023 in RC-02/2022/NIA/KOC on 12.10.2023 and the Special Prosecutor for NIA opened the case on 12.10.2023 and describing accusation against the Charge sheeted accused and stating the evidence proposed to be proved the guilt of the accused. Upon hearing the submission of the prosecution, the defence counsel for accused Muhammed Mubarak (A-16) (now A-15) filed discharge petition before the Hon'ble Special court for NIA cases Ernakulam and same is posted for hearing on 07.02.2024.



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4. Ansari E.P. @ Ansari - (A-6)

Charge:

a) That, the accused **Ansari E.P. (A-6)** 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 Erattupeta 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 16.4.2022 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 tranquillity in the State at large.

b) Therefore, accused **Ansari E P (A-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.

Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses - 2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses - 2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI-MO-583, Doc. No. 240, 242 to 246, Protected Doc. 1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused-Protected witnesses - 19, 20, 22, 25, 39 to 47, CW- 605



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to 608).

(iii) The accused Ansari E P (A-6) is a member of PFI and Municipal Councillor of SDPI Erattupeta (Protected witnesses-3, 8, 9, 12, 21, CW-615, 636, 637).

(iv) He is 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. (Doc. India 2047-D-1376, Protected witnesses - 3, 9, CW-636, 637).

(v) He had secret meetings at Peace Valley for conducting arms training, as a part of preparation for committing terrorist act. (Protected witnesses - 9 and 21).

(vi) He knowingly and intentionally became a member of terrorist gang formed to commit terrorist act of murdering Srinivasan on 16.4.2022 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 Srinivasan on 16.04.2022. He committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquillity in the State at large (Doc. India 2047-D-1376, Protected witnesses-20, 36, Statement of approvers A-57. D- 1457 & 1459 (CDRs) shows the presence of A-6 at conspiracy place in Palakkad. Protected witnesses - 19, 20, 22, 25, 39 to 47, CW-605 to 608 speaks about terror created by the PFI and its cadres. MO-284, 285, 286 (Mobile phones) contains WhatsApp voice clip received from '919539246879 Bishir T' through WhatsApp, in which he instructs A-6 to arrange for PE training to other PFI cadres. WhatsApp voice clip received from 919846186613 Mujeeb MM (A-7) shows close association of A-6 and A-7. WhatsApp chat received from '+919744640592- Nadeer karakkad', '+919946680124 - Ancib, about compulsory PE training at Peace Valley, the contact number 9946577727 of Sulfikker, an accused No.A-17 in Renjith Sreenivasan murder case was saved in WhatsApp contact of A-6, as 'Sulfikkar Chuppi'".

(vii) The final report discloses prima-facie case against the appellant/accused and therefore there is bar U/sec. 43D (5) of the UA (P) Act for release of the appellant/accused on bail.

(viii) The Hon'ble Special court for NIA case Ernakulam commenced the hearing of Charge of SC-02/2023 in RC-



02/2022/NIA/KOC on 12.10.2023 and the Special Prosecutor for NIA opened the case on 12.10.2023 and describing accusation against the Charge sheeted accused and stating the evidence proposed to be proved the guilt of the accused. Upon hearing the submission of the prosecution, the defence counsel for accused Muhammed Mubarak (A-16) (now A-15) filed discharge petition before the Hon'ble Special court for NIA cases Ernakulam and same is posted for hearing on 07.02.2024.

5. Mujeeb @ M.M. Mujeeb - (A-7)

Charge:

a) That, the accused **M. M. Mujeeb (A-7)** 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 16.4.2022 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 tranquillity in the State at large.

b) Therefore, accused **M. M. Mujeeb (A-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.

Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses - 2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).



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(ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses - 2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI-MO-583, Doc. No.240, 242 to 246, Protected Doc.1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused - Protected witnesses - 19, 20, 22, 25, 25, 39 to 47, CW-605 to 608).

(iii) The accused M. M. Mujeeb (A-7) is a Division President of Nadakkal Division of Popular Front of India (PFI) - Protected witnesses - 3, 9, 12, 21, CW-636, 637.

(iv) 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. (Doc. India 2047-D-1376, Protected witnesses - 3, CW-636, 637).

(v) He had secret meetings at Peace Valley, Kottayam for conducting arms training, as a part of preparation for committing terrorist act. (Protected witnesses - 9 & 21).

(vi) He knowingly and intentionally became a member of the terrorist gang formed to commit terrorist act of murdering Srinivasan on 16.4.2022 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 Srinivasan on 16.04.2022. He committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquillity in the State at large - (Doc. India 2047-D-1376, Statement of approver A-57, Protected witnesses - 13, 18, 22, 36. Doc. D-1457, 1458 (CDRs) shows the location of A-7 at conspiracy place in Palakkad. Protected witnesses- 19, 20, 22, 25, 39 to 47, CW-605 to 608 - speaks about terror created by the PFI and its cadres. Doc. D-1071 (Social media data) - His Google photos found with RSS worker's photo with red marking).

(vii) The final report discloses prima-facie case against the appellant/accused and therefore there is bar U/sec. 43D (5) of the



UA (P) Act for release of the appellant/accused on bail.

(viii) The Hon'ble Special court for NIA cases Ernakulam commenced the hearing of Charge of SC-02/2023 In RC-02/2022/NIA/KOC on 12.10.2023 and the Special Prosecutor for NIA opened the case on 12.10.2023 and describing accusation against the Charge sheeted accused and stating the evidence proposed to be proved the guilt of the accused. Upon hearing the submission of the prosecution, the defence counsel for accused Muhammed Mubarak (A-16) (now A-15) filed discharge petition before the Hon'ble Special court for NIA cases Ernakulam and same is posted for hearing on 07.02.2024.

6. Nejimon N. A. @ Nejimudheen (A-8)

Charge:

a) That, the accused **Nejimon @ Nejumudheen N A (A-8)** 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 knowingly and intentionally became a member of terrorist gang formed to commit terrorist act of murdering Srinivasan on 16.4.2022 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 tranquillity 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.

b) Therefore, accused **Nejimon @ Nejumudheen N A (A-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.



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Objection:

(i) PFI has a mission to establish Islamic Rule In India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses - 2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses - 2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI-MO-583, Doc. No.240, 242 to 246, Protected Doc.1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused - Protected witnesses - 19, 20, 22, 25, 39 to 47, CW- 605 to 608).

(iii) The accused Nejimon @ Nejumudheen N A (A-8) is a Division President of Mundakayam Division of PFI and also the in-charge of Education wing of Ernakulam Zone of PFI, which is involved in radicalisation of vulnerable youth. (Protected witnesses - 3, 8, 9, 34, CW-636 & 637).

(iv) 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. (Doc. India 2047-D-1376, Protected witnesses - 3, CW-636, 637, MO-289 (Mobile) found with a soft copy of Monthly Guidance 2021- December which contains misinterpretation of Quran quotes, called for Jihad. D-1072, 1128, 1131 - (Social media data) contains threatening message, D-1067, 1117 (Social media data of A-4) contains provocative speech of A-8 found in the Facebook post of A-4.

(v) He had secret meetings at Peace Valley, Kottayam for conducting arms training, as a part of preparation for committing terrorist acts. - Protected witnesses - 8, 9, 34.

(vi) He knowingly and intentionally became a member of terrorist gang formed to commit terrorist act of murdering Srinivasan on 16.4.2022 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 Srinivasan on 16.04.2022. (Doc.India 2047 - D-1376, Statement of approvers A-57, Protected witnesses - 19, 20 and Doc. D-1438 (CDR-proves his presence in conspiracy place at Palakkad). Protected witnesses 19, 20, 22, 25, 39 to 47, CW-605 to 608 - speaks about terror created by the PFI and its cadres.

(vii) He committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquillity 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 - (CW-636 -Speaks about hate speech of A-8, Protected witnesses- 19, 20, 22, 25, 39 to 47, CW-605 to 608 - speaks about terror created by the PFI and its cadres.), MO- 289 (Mobile) found with a soft copy of Monthly Guidance 2021 - December which contains misinterpretation of Quran quotes, called for Jihad. D-1067, 1117 (Social media data of A-4 contains Provocative speech of A8 found in the Facebook post of A-4).

(viii) The final report discloses prima-facie case against the appellant/accused and therefore there is bar U/sec. 43D (5) of the UA (P) Act for release of the appellant/accused on bail.

(ix) The Hon'ble Special court for NIA cases Ernakulam commenced the hearing of Charge of SC-02/2023 in RC-02/2022/NIA/KOC on 12.10.2023 and the Special Prosecutor for NIA opened the case on 12.10.2023 and describing accusation against the Charge sheeted accused and stating the evidence proposed to be proved the guilt of the accused. Upon hearing the submission of the prosecution, the defence counsel for accused Muhammed Mubarak (A-16) (now A-15) filed discharge petition before the Hon'ble Special court for NIA cases Ernakulam and same is posted for hearing on 07.02.2024.

7. Sainudeen T. S. (A-9)

Charge:

a) That, the accused **Sainudeen T. S. (A-9)** 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



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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 16.4.2022 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 tranquillity in the State at large.

b) Therefore, accused **Sainudeen T. S. (A-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.

Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses-2, 14 & 18 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses-2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI-MO-583, Doc.No.240, 242 to 246, Protected Doc. 1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused - Protected witnesses-19, 20, 22, 25, 39 to 47, CW- 605 to 608).

(iii) The accused Sainudeen T. S. (A-9) is the District Secretary of PFI, Kottayam District - (Protected witnesses-3, 9, CW-615, 636 & 637. Doc. 774, 775 (PFI volunteer Cards), Doc-777 - Love Jihad book by PFI, MO-290 (Mobile) contains PFI related materials.

(iv) 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 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. (Doc. India 2047-D-1376, Protected witnesses -3, CW-636, 637)

(v) He had secret meetings at Peace Valley, Kottayam for conducting arms training, as a part of preparation for committing terrorist acts. (Protected witnesses - 9) .

(vi) He knowingly and intentionally became a member of terrorist gang formed to commit terrorist act of murdering Srinivasan on 16.4.2022 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 Srinivasan on 16.04.2022. He committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquillity in the State at large. (Doc. India 2047 - D - 1376, Statement of approvers A-57, Protected witnesses-18, 20, 22. Protected witnesses - 19, 20, 22, 25, 39 to 47, CW-605 to 608 - speaks about terror created by the PFI and its cadres. Doc. D-1457, 1458 (CDR) shows his presence in conspiracy place at Palakkad.

(vii) The final report discloses prima-facie case against the appellant/accused and therefore there is bar U/sec. 43D (5) of the UA (P) Act for release of the appellant/accused on bail.

(viii) The Hon'ble Special court for NIA cases Ernakulam commenced the hearing of Charge of SC-02/2023 in RC-02/2022/NIA/KOC on 12.10.2023 and the Special Prosecutor for NIA opened the case on 12.10.2023 and describing accusation against the Charge sheeted accused and stating the evidence proposed to be proved the guilt of the accused. Upon hearing the submission of the prosecution, the defence counsel for accused Muhammed Mubarak (A-16) (now A-15) filed discharge petition before the Hon'ble Special court for NIA cases Ernakulam and same is posted for hearing on 07.02.2024.

8. P. K. Usman @ Usman (A-10)

Charge:

a) That, the accused **P. K. Usman @ Usman (A-10)**, being a



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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 16.4.2022 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 tranquillity in the State at large.

b) Therefore, accused **P. K. Usman @ Usman (A-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.

Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses - 2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses-2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI-MO-583, Doc. No. 240, 242 to 246, Protected Doc. 1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused- Protected witnesses 19, 20, 22, 25, 39 to 47, CW-605 to 608).

(iii) The accused P. K. Usman @ Usman (A-10), is 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 - Protected witnesses - 23, 24, 52, CW-611, 613, 615, 639, 640, 641, Doc-783 (List of killed persons related to various party/organisation), Doc-789 to 793 (SDPI documents having comments of PFI leaders), MO-293 (Mobile) contains PFI related materials.

(iv) 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 - Protected witnesses 3, 23, Doc. India 2047 D-1376, Doc-783 (List of killed persons related to various party/organisation, Doc-785 (Pamphlets supporting SIMI and other UAPA accused), Doc-786 Document says Hindus are Kuffrs. Doc- 1078, 1079, 1130 (Social media data) - contains Instagram posts defaming India and its constitution, Post related to Islamic rule in India.

(v) He knowingly and intentionally became a member of terrorist gang formed to commit terrorist act of murdering Srinivasan on 16.4.2022 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 Srinivasan on 16.04.2022. He committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquillity in the State at large (Doc. India 2047 - D-1376, Protected witnesses-18, 20, 23, 24, Statement of approvers A-57, Doc. D-1439, 1444, 1450 (CDR) shows his location at Palakkad conspiracy place. Protected witnesses- 19, 20, 22, 25, 39 to 47, CW-605 to 608 - speaks about terror created by the PFI and its cadres. Doc-786 - Document says Hindus are Kuffars. Doc- 1078, 1079, 1130 (Social media data) - contains Instagram posts defaming India and its constitution, Post related to Islamic rule in India).

(vi) The final report discloses prima-facie case against the appellant/accused and therefore there is bar U/sec. 43D (5) of the UA (P) Act for release of the appellant/accused on bail.

(vii) The Hon'ble Special court for NIA cases Ernakulan commenced the hearing of Charge of SC-02/2023 in RC 02/2022/NIA/KOC on 12.10.2023 and the Special Prosecutor for NIA opened the case on 12.10.2023 and describing accusation against



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the Charge sheeted accused and stating the evidence proposed to be proved the guilt of the accused. Upon hearing the submission of the prosecution, the defence counsel for accused Muhammed Mubarak (A-16) (now A-15) filed discharge petition before the Hon'ble Special court for NIA cases Ernakulam and same is posted for hearing on 07.02.2024.

9. Mohammed Ali @ Kunhappu Haji @ Kunjappu Sahib @ Kunjappukka - (A-13)

Charge:

a) That, the accused **Mohammed Ali @ Kunhappu Haji @ Kunjappu Sahib @ Kunjappukka (A-13)** 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.

b) Therefore, accused **Mohammed Ali @ Kunhappu Haji @ Kunjappu Sahib @ Kunjappukka (A-13)** committed offences punishable under sections 120B & 153A of IPC and sections 13, 18, 18A & 20 of UA (P) Act.

Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses-2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused 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



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establishing Islamic Rule in India. (Doc.No. 1376. Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses-2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI-MO-583, Doc.No.240, 242 to 246, Protected Doc.1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused - Protected witnesses - 19, 20, 22, 25, 39 to 47. CW- 605 to 608).

(iii) The accused Mohammed Ali @ Kunhappu Haji @ Kunjappu Sahib @ Kunjappukka (A-13) is a member of Popular Front of India [PFI] and an ex-SIMI leader, a proscribed terrorist organisation (Protected witnesses-1, 3, 14, 52, CW-609, 610, 611, 613, 615, 638, 639, 640, 641, 643, 644 - speaks that he is PFI cadre. CW-610, 611, 613, 617, 639, 641- speaks that he was a SIMI cadre. Doc-D-828, 829, 830 - Tejus Magazines seized during search).

(iv) 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 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. (Doc. India 2047-D-1376, Protected witnesses-2, 3, 14, Doc-826-Doc-826 Document seized from the house of A-13 contains printed note inciting PFI cadres to fight against Hindus, MO-314 - DVD seized from the house of A-12 contains a video related to protest by PFI supporting 'Satyasarani Institution run by PFI. In that video A-13 made speech that "We can't keep quiet with our hands tied". D-1438 - CDR contact with co-accused.

(v) 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 tranquillity in the State at large. - Protected witnesses-1 & 3, Doc-826-Doc-826 Document seized from the house of A-13 contains printed note inciting PFI cadres to fight against Hindus, MO-314-DVD seized from the house of A-12 contains a video related to protest by PFI supporting 'Satyasarani' Institution run by PFI. In that video A-13 made speech that "We can't keep quiet with our hands tied".

(vi) The final report discloses prima-facie case against the



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appellant/accused and therefore there is bar U/sec. 43D (5) of the UA (P) Act for release of the appellant/accused on bail.

(vii) The Hon'ble Special court for NIA cases Ernakulam commenced the hearing of Charge of SC-02/2023 in RC-02/2022/NIA/KOC on 12.10.2023 and the Special Prosecutor for NIA opened the case on 12.10.2023 and describing accusation against the Charge sheeted accused and stating the evidence proposed to be proved the guilt of the accused. Upon hearing the submission of the prosecution, the defence counsel for accused Muhammed Mubarak (A-16) (now A-15) filed discharge petition before the Hon'ble Special court for NIA cases Ernakulam and same is posted for hearing on 07.02.2024.

10. Sulaiman C.T. - (A-14)

Charge:

a) That, the accused **C T Sulaiman (A-14)** 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 of PFI to the at Palakkad on Srinivasan on 16.4.2022 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 tranquillity 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".

b) Therefore, accused **C T Sulaiman (A-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.



Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses-2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses-2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI-MO-583, Doc. No.240, 242 to 246, Protected Doc.1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused- Protected witnesses - 19, 20, 22, 25, 39 to 47, CW- 605 to 608).

(iii) The accused C T Sulaiman (A-14) is the District President of Popular Front of India [PFI], Kasaragod District in Kerala - (Protected witnesses - 3, 26, 27, 28, CW-613, 615, 616, 639, 640, 641. Doc. D-838, 839, 841-PFI documents seized from his house, Doc. D-1076, 1120, 1123 (Social media data) contains PFI related materials.

(iv) 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 as a part of preparation for committing terrorist acts. - (Doc. India 2047 - D-1376, Protected witnesses -3, D-1076, 1120, 1123 (Social media data) contains PFI related materials, slogan regarding hit list. Vision 2047 post forwarded to him for comments by Arif has been recovered from his WhatsApp.

(v) He knowingly and intentionally became a member of terrorist gang formed to commit terrorist act of murdering Srinivasan on 16.4.2022 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 Srinivasan on 16.04.2022. He committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquillity in the State at large (Doc. India 2047 D-1376, Protected witnesses -13, 19, 22, 36, Statement of approvers A-57,



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Doc. D-1450, 1452, 1457 (CDRs) shows his presence in conspiracy place at Palakkad. Protected witnesses- 19, 20, 22, 25, 39 to 47, CW-605 to 608 speaks about terror created by the PFI and its cadres.

(vi) 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" - (Protected witnesses - 26, 27 & 28).

(vii) The final report discloses prima-facie case against the appellant/accused and therefore there is bar U/sec. 43D (5) of the UA (P) Act for release of the appellant/accused on bail.

(viii) The Hon'ble Special court for NIA cases Ernakulam commenced the hearing of Charge of SC-02/2023 in RC. 02/2022/NIA/KOC on 12.10.2023 and the Special Prosecutor for NIA opened the case on 12.10.2023 and describing accusation against the Charge sheeted accused and stating the evidence proposed to be proved the guilt of the accused. Upon hearing the submission of the prosecution, the defence counsel for accused Muhammed Mubarak (A-16) (now A-15) filed discharge petition before the Hon'ble Special court for NIA cases Ernakulam and same is posted for hearing on 07.02.2024.

Crl.A.No.1441 of 2023:

1. Ali K @ Ragam Ali - (A-38)

Charge:

a) That, the accused **Ali. K @ Ragam Ali (A-38)** 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 Nasar's (A-37'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 (A-28), Nasar (A-37), Ansar (A-25), Ashraf Maulavi (A-34) conspired at A-37's shop,



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for destruction of evidence. In furtherance to that, Abdul Rasheed (A-28) and Nasar (A-37) concealed the car bearing Regn. No. KL-55-D-4700 of A-37 which was used for committing the terrorist act of murdering Sreenivasan.

b) That, the accused **Ali. K @ Ragam Ali (A-38)** 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, wherein, the offence committed by **Ali. K @ Ragam Ali (A-43)** in the said connected offence has been enumerated in detail in that charge-sheet.

c) Therefore, accused **Ali. K @ Ragam Ali (A-38)** 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.

Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witness-2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witness-2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI- MO-583, Doc. No. 240, 242 to 246, Protected Doc. 1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused- Protected witness - 19, 20, 22, 25, 25, 39 to 47, CW-605 to 608).

(iii) Ali @ Ragam Ali (A-38) is a cadre of PFI- (He was found with wearing PFI uniform which has been recovered from the Mobile phone (MO-238) of accused Hakeem (A-36). His photos with PFI



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banner are also found in the memory card (MO-136) of Ashraf Maulavi (A-30). Witness - 122 speaks that he is a PFI cadre, Statement of approver recorded u/s 164 of CrPC)

(iv) He is a member of the terrorist gang, attended the conspiracy meeting held at Nasar's (A-33's) Curtain Shop at Pattambi on 15th of April 2022 for committing terrorist act. (CDR-Doc. 229 & 1441, Scene Mahazer Doc. No -128, CDR Link report -D-238, statement of CW-121, CW-122)

(v) After commission of terrorist act of murdering Srinivasan on 16.4.2022, he along with absconding accused Abdul Rasheed (A-28), Nasar (A-33), Ansar (A-23), Ashraf Maulavi (A-30) conspired at Nasar's (A-33's) shop, for destruction of evidence and absconding accused Abdul Rasheed (A-28) and Nasar (Now A-33), concealed the car bearing Regn. No. KL-55-D-4700 of Nasar (A-33), which was used for committing the terrorist act of murdering Sreenivasan. (CCTV seizure mahazer Doc. No. 118, CD containing CCTV Footage - Doc. No -119, recovery mahazer Doc. No.125, MO-CDR-229 & 1441)

(vi) The final report discloses prima-facie case against the appelland and therefore there is bar U/sec. 43D of the UA (P) Act.

2. Fayas - (A-40)

Charge:

a) That, the accused **Fayas (A-40)** being a Unit Secretary of PFI Chadanamkurusssi 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 (A-27) 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 tranquillity in the State at large.



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b) That, the accused **Fayas (A-40)** 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, wherein, the offence committed by Fayas (A-45) in the said connected offence has been enumerated in detail in that charge-sheet.

c) Therefore, accused **Fayas (A-40)** 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.

Objection:

i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witness-2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witness-2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI- MO-583, Doc. No. 240, 242 to 246, Protected Doc. 1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused - Protected witness-19, 20, 22, 25, 25, 39 to 47, CW-605 to 608).

(iii) Accused Fayas (A-40) is a cadre of PFI. (Protected witness -17 states that he is a member of PFI and attended arms training imparted by PFI. Statement of Approver also proves that he is an PFI cadre)

(iv) He is a member of terrorist gang, attended training, attended the conspiracy meeting held at Palakkad on 15th and 16th of April 2022 for committing terrorist act (Scene Mahazer Doc.-13, Recovery



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mahazer Doc-14, Scene Mahazer Doc-16, CCTV Footage seizure -Doc-194, CD of CCTV footage- Doc-195, CCTV Footage seizure -Doc.198, CD of CCTV footage Doc. 199, CDR Link chart -D-238, Scene mahazer Doc-336 & D-346, Recovered vehicle - MO-118, Protected Witness No. 17 & 38, Protected Doc. No-48).

v) In furtherance to the conspiracy, he along with Saheer (A-27) conducted recce on 15.4.2022 by using motorcycle bearing Regn. No. KL-9-AP-9820, to select the target for committing terrorist act. (CCTV Footage seizure-Doc-194, CD of CCTV footage-Doc-195, CCTV Footage seizure -Doc.198, CD of CCTV footage - Doc.199, Scene mahazer Doc-336 & D-346, Recovered vehicle - MO-118, Protected Doc. No-48).

(vi) The final report discloses prima-facie case against the appellant and therefore there is bar U/sec. 43D of the UA (P) Act.

3. Saddam Hussain M.K. - (A-41)

Charge:

a) That, the accused **Saddam Hussain. M.K (A-41)** being Area Secretary of PFI, Olavakkode Area, and imam of Shakuvarathodu 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 Mohammed Bilal (A-24) in the mosque and also facilitated A-24 for concealing the mobile phone of Abdu Rahman @ Adru (A-18).

b) That, the accused **Saddam Hussain. M.K (A-41)** 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, wherein, the offence committed by Saddam Hussain. M.K (A-46) in the said connected offence has been enumerated in detail in that charge-sheet.



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c) Therefore, accused **Saddam Hussain. M.K (A-41)** 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.

Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witness-2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witness-2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI- MO-583, Doc. No. 240, 242 to 246, Protected Doc. 1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused - Protected witness - 19, 20, 22, 25, 25, 39 to 47, CW-605 to 608).

(iii) Sadham Hussain M K (A-41) is a cadre of PFI (Various PFI related images including his photo with PFI banners found in his mobile phone (MO-72), Protected witness - 17, statement of approvers states that he is a member of PFI and attended arms training imparted by PFI).

(iv) He is an Imam of Shankuvarathodu Mosque - (witness 209, Doc. 178 & 179)

(v) He is a member of terrorist gang, attended arms training, attended the conspiracy meeting held at Palakkad on 15th and 16th of April 2022 for committing terrorist act (Scene Mahazer of conspiracy place Doc.-13, Scene Mahazer of conspiracy place Doc-16, CDR Link Chart D-238, CDR- Doc.233 & 1460, Protected witness-17, 37 & 38)

(vi) In furtherance to the conspiracy, after commission of terrorist



act, he knowingly and intentionally harboured accused Mohammed Bilal (A-22) in the mosque and also facilitated A-24 for concealing the mobile phone of Abdu Rahman @ Adru (A-17), (Recovery Mahazer - Doc No. 9, seized mobile No. 93, Witness - 50).

(vii) The final report discloses prima-facie case against the appelland and therefore there is bar U/sec. 43D of the UA (P) Act.

4. Ashraf - (A-44)

Charge:

a) That, the accused **Ashraf (A-44)** being Unit Secretary of PFI Kavalpadu 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 Firoz (A-22) from Asfak (A-48) to screen the presence of assailants at Scene of Crime at the time of committing the terrorist act of murdering Sreenivasan on 16.4.2022. He committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquillity in the State at large.

b) That, the accused **Ashraf (A-44)** along with 43 other co-accused b)re 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, wherein, the offence committed by Ashraf (A-49) in the said connected offence has been enumerated in detail in that charge-sheet.

c) Therefore, accused **Ashraf (A-44)** 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



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(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.

Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witness-2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witness-2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI- MO-583, Doc. No. 240, 242 to 246, Protected Doc. 1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused- Protected witness - 19, 20, 22, 25, 25, 39 to 47, CW-605 to 608).

(iii) Ashraf (A-44) is a cadre of PFI (Protected witness -17 states that he is a member of PFI and attended arms training imparted by PFI)

(iv) He is member of terrorist gang, attended the arms training, attended conspiracy meeting held at Palakkad on 16th of April 2022 for committing terrorist act. (Scene Mahazer of conspiracy place Doc.-13, seizure mahazer - Doc.18 and seized M/Cycle-MO-112, recovery mahazer - Doc. 74 and seized mobile MO-99, Protected witness-17 & 20)

(v) In furtherance to the conspiracy, he collected the mobile phones of main assailant Firoz (A-20) from Asfak (A-43) to screen the presence of assailants at Scene of Crime (Recovery of Mobile phone of Firoz (A20) - Doc. 74 and seized mobile MO-99)

(vi) The final report discloses prima-facie case against the appelland and therefore there is bar U/sec. 43D of the UA (P) Act.

5. Akbar Ali - (A-45)

Charge:



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a) That the accused **Akbar Ali (A-45)** being an active cadre of PFI, knowingly and intentionally became a member of terrorist gang formed a) 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 accused **Akbar Ali (A-45)** 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, wherein, the offence committed by Akbar Ali (A-50) in the said connected offence has been enumerated in detail in that charge-sheet.

c) Therefore, accused **Akbar Ali (A-45)** 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.

Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witness-2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC)

(ii) The accused 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. (Doc.No.1376, Voice clip



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recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witness-2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI- MO-583, Doc. No. 240, 242 to 246, Protected Doc. 1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused- Protected witness - 19, 20, 22, 25, 25, 39 to 47, CW-605 to 608).

(iii) Akbar Ali (A-45) is a cadre of PFI - (PFI poster of Palakkad Division council in which Photo of A-45 with printed writing 'Akber Ali' 'Olavakode Area Secretary', has been recovered from his mobile phone (MO-69). Protected witness -17 states that he is a member of PFI and attended arms training imparted by PFI.)

(iv) He is a member of terrorist gang, attended arms training, attended the conspiracy meetings held at Palakkad on 15th and 16th of April 2022 for committing terrorist act (Protected Witness 17, Witness- 37 & 38, statement of approvers, Protected Doc. No-48 & 49, Scene Mahazer-Doc-16, Seizure of CCTV Footage-Doc. 1372, CCTV Footage- MO-615)

(v) The final report discloses prima-facie case against the appelland and therefore there is bar U/sec. 43D of the UA (P) Act.

6. Nishad - (A-46)

Charge:

a) That, the accused **Nishad (A-46)** 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 Abdul Khader (A-21), Kaja Hussain (A-30) and Akber Ali (A-50) after commission of the terrorist act. He committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquillity in the State at large.

b) That, the accused **Nishad (A-46)** along with 43 other co-accused were already charge sheeted by Kerala Police in connected



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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, wherein, the offence committed by Nishad (A-51) in the said connected offence has been enumerated in detail in that charge-sheet.

c) Therefore, accused **Nishad (A-46)** committed offences punishable under sections 153A of IPC and sections 13,18 & 20 of c) 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.

Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witness-2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witness-2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI- MO-583, Doc. No. 240, 242 to 246, Protected Doc. 1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused- Protected witness - 19, 20, 22, 25, 25, 39 to 47, CW-605 to 608).

(iii) Nishad (A-46) is a cadre of PFI - (Protected witness -17 and one approver states that he is a member of PFI and attended arms training imparted by PFI.)

(iv) He is a member of terrorist gang, attended arms training, attended the conspiracy meetings held at Palakkad on 15th and 16th of April 2022 for committing terrorist act. (Protected witness-17, Protected witness -20, 37 & 38, statement of approver recorded u/s 164 of CrPC, Scene Mahazer of conspiracy place Doc.-13, Scene Mahazer of conspiracy place Doc-16, seizure mahazer of vehicles



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116, CDR Link Chart - Doc.238) Doc-85 & MO-115 & 116, CDR Link Chart - Doc.238)

(v) He harboured accused Abdul Khader (A-19), Kaja Hussain (A-26) and Akber Ali (A-45) after commission of the terrorist act. (Witness-214 & 222, Ownership Doc. No. 592, Doc. 84, Seizure of vehicles -Doc. 85 and seizure of CCTV footage-Doc. 86, Protected Doc.49)

(vi) The final report discloses prima-facie case against the appellant and therefore there is bar U/sec. 43D of the UA (P) Act.

7. Rasheed K.T. - (A-56)

Charge:

a) That the accused **Rasheed K.T (A-56)** being an active cadre PFI and Unit President of Koppam - Karinganadu unit 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 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 Ameer Ali (A-60), Saldall (A-62) and Noushad M (A-63) conspired on 15.4.2022 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 Umar (A-19) Ansar (A-25) and Saheer (A-27). He along with Abdul Kabeer (A-58) Noushad (A-63), Muhammed Hakeem (A-40), Muhammed Sajid (A-42) and others conspired and destroyed the evidence in the case. He committed acts prejudicial to the maintenance of harmony between has disturbed the public State at large.

b) That, the accused **Rasheed K.T (A-56)** 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, wherein, the offence committed by Rasheed K.T (A-61) in the said connected offence has been enumerated in detail in that charge-sheet.

c) Therefore, accused **Rasheed K.T (A-56)** 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



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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.

Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc. No. 1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witness-2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witness-2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI- MO-583, Doc. No. 240, 242 to 246, Protected Doc. 1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused- Protected witness - 19, 20, 22, 25, 25, 39 to 47, CW-605 to 608).

(iii) Rasheed K T (A-56) is a cadre of PFI. (PFI dress (MO-208) & PFI publication (D-443) seized from his house, various PFI notices in pdf document found in his mobile phone (MO-206). Mahazar describing the PFI content found in his mobile phone (D-408).

(iv) He along with Ameer Ali (A-55), Saidali (A-57) and Noushad M (A-58) conspired on 15.4.2022 at his residence for harbouring the accused after committing the offence. (Scene mahazar Doc. 439, Protected witness- 35, Witness-339 & 387. Ownership and site plan- Doc. 689 & Doc. 683, CDR & Link Chart-D-522, D-523, seized car - MO-207)

(v) After commission of the terrorist act, he harboured assailant Umar (A-18), Ansar (A-23) and Saheer (A-27) and also assisted for harbouring Ansar (A-23), Saheer (A-27) and Ashraf K (A-32) at Ernakulam (Scene mahazar - Doc.439, seized car - MO- 207, Documents related to Ansar (A-23), Ashraf K (A-36) - Doc. 441, 445, Witness-339 & 387, Ownership and site plan - Doc. 689 & Doc. 683).

(vi) He along with Abdul Kabeer (A-53), Noushad M (A-58), Muhammed Hakeem (A-36), Muhammed Sajid (A-37) and others conspired and destroyed the evidence in the case. (Recovery



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Mahazer-Doc-92, recovered vehicle number plates MO-46 to 50, Recovery mahazer- D-93, recovered vehicle parts-MO-51 to 66, Witness - 95 to 98, Protected Doc. 45 & 49, Ownership certificate - Doc.623)

(vii) The final report discloses prima-facie case against the appelland and therefore there is bar U/sec. 43D of the UA (P) Act.

8. Saidali @ Muthu - (A-57)

Charge:

a) That, the accused **Saidali @ Muthu (A-57)** being an active cadre of PFI and secretary of Kulukkalloor area of PFI, knowingly and intentionally became a a member of terrorist gang formed by PFI terrorist act as a part of larger conspiracy hatched by to commit bearers and cadres since last few years to enact their "India 2047" PFI and its office agenda of establishing Islamic Rule in India. In furtherance to the larger conspiracy, he along with Rasheed K.T (A-61), Ameer Ali (A-60), and Noushad M (A-63) conspired on 15.4.2022 at the residence of Rasheed K.T (A-61), for harbouring the accused after committing the offence. In furtherance to that conspiracy, after commission of the terrorist act, he assisted Rasheed K.T (A-61) for harbouring and transporting assailant Umar (A-19), Ansar (A-25), Saheer (A-27) and others. He also committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquillity in the State at large.

b) That, the accused **Saidali @ Muthu (A-57)** 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, wherein, the offence committed by Saidali @ Muthu (A-62) in the said connected offence has been enumerated in detail in that charge-sheet.

c) Therefore, accused **Saidali @ Muthu (A-57)** commit offences punishable under sections 153A of IPC and sections 13, & 20 of UA (P) Act along with additional offences under section 12 34, 118, 119, 109, 115, 143, 144, 147, 148, 449, 341, 201, 212, 302 149 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.



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Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc. No. 1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witness-2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witness-2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI- MO-583, Doc. No. 240, 242 to 246, Protected Doc. 1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused- Protected witness - 19, 20, 22, 25, 25, 39 to 47, CW-605 to 608).

(iii) Saidali (A-57) is a cadre of PFI. (Doc. 410, 418, 420, 423 & 425)

(iv) He along with Rasheed K.T (A-56), Ameer Ali (A-55), and Noushad M (A-58) conspired on 15.4.2022 at the residence of Rasheed K.T (A-56), for harbouring the accused after committing the offence. (Scene mahazer Doc. 439), Protected witness - 35, Witness - 339 & 387, Ownership and site plan - Doc. 689 & Doc. 683, CDR & Link Chart - D-522, D-523, seized car - MO-207).

(v) After commission of the terrorist act, he assisted Rasheed K.T (A-56) for harbouring and transporting assailant Umar (A-18), Ansar (A-23), Saheer (A-27) and others. (Scene mahazer - Doc. 446)

(vi) He committed acts prejudicial to the maintenance of harmony between different religious groups (Seizure mahazer of sample voice- Doc. 452, Contents of WhatsApp found in his mobile phone Doc. 408, 409 & MO-205)

(vii) The final report discloses prima-facie case against the appellant and therefore there is bar U/sec. 43D of the UA (P) Act.

9. Noushad M. - (A-58)

Charge:



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a) That the accused **Noushad M (A-58)**, being an active cadre of PFI and Secretary of Koppam Division of PFI, knowingly and became a member of terrorist gang formed by PFI to commit terrorist act and 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 Rasheed K.T (A-61), Ameer Ali (A-60), and Saidali (A-62) conspired on 15.4.2022 at the residence of Rasheed K.T (A-61), for harbouring the accused after committing the offence. In furtherance to that conspiracy, after commission of the terrorist act, he assisted Rasheed K.T (A-61) for harbouring and transporting assailant Umar (A-19), Ansar (A-25), Saheer (A-27) and others. He along with Rasheed K T A-61), Muhammed Hakkeem (A-40), Muhammed Sajith (A-42) and others conspired and destroyed the evidence in the case after others after commission of the terrorist act. He committed acts prejudicial to the commission of harmony between different religious groups and has disturbed the public tranquillity in the State at large.

b) That, the accused **Noushad M (A-58)** 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, wherein, the offence committed by Noushad M (A-58) in the said connected offence has been enumerated in detail in that charge-sheet.

c) Therefore, accused **Noushad M (A-58)** 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.

Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witness-2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused committed terrorist act of murder of Srinivasan



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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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witness-2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI- MO-583, Doc. No. 240, 242 to 246, Protected Doc. 1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused- Protected witness - 19, 20, 22, 25, 25, 39 to 47, CW-605 to 608).

(iii) Noushad M (A-58) is a cadre of PFI (His mobile phone (MO-217) contains various images related to PFI.

(iv) He along with Rasheed K.T (A-56), Ameer Ali (A-55), and Said Ali (A-57) conspired on 15.4.2022 at the residence of Rasheed K.T (A-56), for harbouring the accused after committing the offence. (Scene mahazer Doc. 439, Protected witness- 35, Witness-339 & 387, Ownership and site plan -Doc. 689 & Doc. 683, CDR & Link Chart - D-522, D-523, seized car - MO-207, Seizure of car- Doc. 482, seized car - MO-210)

(v) After commission of the terrorist act, he assisted Rasheed K.T (A-56) for harbouring and transporting assailant Umar (A-18), Ansar (A-23), Saheer (A-27) and others. (Scene mahazer - Doc. 446)

(vi) He along with Rasheed KT (A-56), Muhammed Hakkeem (A-36), Muhammed Sajith (A-37) and others conspired and destroyed the evidence after commission of the terrorist act. (Recovery Mahazer-Doc-92, recovered vehicle number plates MO-46 to 50, Recovery mahazer-D-93, recovered vehicle parts-MO-51 to 66, Witness - 95 to 98, Protected Doc.45 & 49, Ownership certificate - Doc.623)

(vii) The final report discloses prima-facie case against the appelland and therefore there is bar U/sec. 43D of the UA (P) Act.

Crl.A.No.1600 of 2023:

1. Mohammed Mubarak A.I. - (A15)

Charge

a) That, the accused **Muhammed Mubarak AI @ Mubarak (A-15)** being a cadre of PFi and Arms trainer of PFI, knowingly and intentionally became a part of the larger conspiracy of PFI to enact



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their "India 2047" agenda of establishing Islamic Rule in India. In furtherance to the conspiracy, he knowingly and intentionally became a member of terrorist gang, caused to recruit the cadres of PFI into the terrorist gang, organised and Imparted Arms and Physical training to the cadres of PFI at Periyar Valley Campus on various occasions as a preparation for committing terrorist acts, possessed sharp edged arms including swords, sickle and axe and used the same for imparting the arms training to the cadres of PFI for committing terrorist acts. He committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquillity in the State at large.

b) Therefore, accused **Muhammed Mubarak AI @ Mubarak (A- 15)** committed offences punishable under sections 120B & 153A of IPC and sections 13, 18, 18A, 18B, 20 & 23 of UA (P) Act and section 25(1)(a) of Arms Act.

Objection:

(i) He joined the cadre of PFI which has a mission to establish Islamic Rule in India by their "India 2047" vision (Doc.No.1376, Voice clip recovered from the mobile phone of appellant Muhammed Mubarak (A-15), Protected witness-2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused are the part of larger conspiracy hatched by PFI, its leaders and cadres and committed terrorist act of murder of Sreenivasan 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. (Doc.No. 1376, Voice clip recovered from the mobile phone of appellant Muhammed Mubarak (A-15), Protected witness-2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI- MO-583, Doc. No. 240, 242 to 246, Protected Doc. 1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused- Protected witness 19, 20, 22, 25, 39 to 47, CW-605 to 608).

(iii) He is Arms trainer of PFI. (Protected witness-3 & 4, CW-642 & Protected Doc. No.7 & 9, Doc.1161 & 1162 & Statement of A-17 u/s 164 of CrPC).

(iv) He imparted Arms and Physical training to the cadres of PFI at Periyar Valley Campus for committing terrorist acts (Protected witness-3, Doc. No.1443, 1447 & 1449 will show the location).

(v) The PFI cadres to whom Arms and Physical training were



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imparted by the appellant and the leaders who conducted and supervised the arms training of appellant are accused in this case. (Protected witness-3).

(vi) He possessed weapons for imparting the arms training to the cadres of PF1 for committing terrorist acts. (search list dated 29/12/22-Doc.No.1160)

(vii) The final report and evidence collected discloses prima-facie case against the petitioner and therefore there is bar u/sec. 43D of the UA(P) Act.

(viii) The first bail application in CMP No. 83/2023 was submitted by the appellant before the Hon'ble Special Court for NIA cases, Ernakulam in the month of February 2023 which was not pressed by the petitioner and hence dismissed on 5.5.2023. The second bail application (which is a statutory bail application) submitted by the appellant before the Hon'ble Special court for NIA cases, Ernakulam vide CMP 188/2023 in the month of March, 2023 was dismissed on 05.05.2023. The third bail application filed by the appellant vide CMP 232/2023 before the Hon'ble Special court for NIA cases, Ernakulam in the month of May, 2023 was withdrawn by the petitioner at the fag end, after NIA filed proper counter and even after the arguments on the bail application was over, and just before the Hon'ble Court took it up for passing orders on 22.08.2023. The fourth bail application filed by the appellant vide CMP No.416/2023 before the Hon'ble Special court for NIA cases, Ernakulam was dismissed on 13.10.2023.

(ix) Hon'ble Special court for NIA cases, Ernakulam commenced the hearing of Charge of SC-02/2023 in RC. 02/2022/NIA/KOC (Kerala PFI Case) on 12.10.2023. The Special Public Prosecutor for NIA opened the case on 12.10.2023 by describing accusation against the Charge sheeted accused and stating the evidence proposed to be proved the guilt of the accused. However, the appellant filed discharge petition before the Hon'ble Special Court for NIA cases on 13.10.2023 and hearing of charge is therefore held up.

(x) As per the order No.11011/82/2022-NIA dated 16.09.2022, issued by the Government of India, Ministry of Home Affairs, 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 undertook investigation.

(xi) The National Investigation Agency, Kochi is a declared police



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station as per Gazette notification of Government of Kerala SRO No. 487/2013 dated 13.5.2013, published on 18.6.2013, and therefore, the officer in charge of the branch is the SHO and SHO have power to register a case on receipt of information regarding cognizable offence. The true copy of the Gazette notification SRO No. 487/2013 dated 13.5.2013 of Government of Kerala produced herewith and marked as Annexure R-2 (a).

(xii) As per section 8 of NIA Act, while investigating any Scheduled Offence, the Agency may also investigate any other offence which the accused is alleged to have committed if the offence is connected with the Scheduled Offence.

Crl.A.No.619 of 2024:

1. Muhammed Rizwan @ Rizwan - (A42)

Charge:

a) That, the accused **Muhammed Rizwan @ Rizwan (A-42)** 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 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 assailants Abdu Rahman @ Adru (A-18), Abdul Khader (A-21), Firoz (A-22) and Bilal (A-24) and carried with him to screen the presence of assailants at Scene of Crime at the time of murdering Sreenivasan on committed acts prejudicial to the maintenance of harmony between committing the terrorist act different religious groups and has disturbed the public tranquillity in the State at large.

b) That, the accused **Muhammed Rizwan @ Rizwan (A-42)** along with 43 other co-accused were already charge sheeted by Kerala Police b) 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, wherein, the offence committed by



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Muhammed Rizwan @ Rizwan (A-47) in the said connected offence has been enumerated in detail in that charge sheet.

c) Therefore, accused **Muhammed Rizwan @ Rizwan (A-42)** 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.

Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses 2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses 2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI- MO-583, Doc, No. 240, 242 to 246, Protected Doc. 1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused. Protected witnesses - 19, 20, 22, 25, 39 to 47, CW-605 to 608).

(iii) Muhammed Rizwan @ Rizwan (A-47, now A-42) is a cadre of PFI and attended arms training- (Statement of approvers, Mobile phone (MO- 29) recovered from the of accused Muhammed Bilal (A-22) - which contains video showing the appellant taking part in a procession organized by PFI, Protected Witness - 17 speaks that the appellant is a PFI cadre and used to attend Arms and Physical training at Sankuvarathodu Masjid, Palakkad, D-347- Scene mahazar of arms training place at Sankuvarathodu Masjid, Palakkad).

(iv) He is a member of terrorist gang, attended the conspiracy meeting held at Palakkad on 16th of April 2022 for committing terrorist act. (Statement of approver, CW 37, Protected Witness 18, Doc.13 - Scene Mahazar of Conspiracy place at a vacant land behind District Hospital, Palakkad).



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(v) In furtherance to the conspiracy, he collected the mobile phones of assailants Abdu Rahman @ Adru (A-18), Abdul Khader (A-21), Firoz (A-22) and Bilal (A-24) and carried with him to screen the presence of assailants at Scene of Crime at the time of committing the terrorist act of murdering Sreenivasan on 16.4.2022 (MO-107 & D-67-containing CCTV footages of SOC & nearby SOC showing the presence of Abdu Rahman @ Adru (A-18), Abdul Khader (A-21), Firoz (A-22) and Bilal (A-24), Doc-229, 223, 233-CDR).

(vi) The final report discloses prima-facie case against the appellant and therefore there is bar U/sec. 43D (5) of the UA (P) Act for release of the appellant/accused on bail.

(vii) The Hon'ble Special court for NIA cases Ernakulam commenced the hearing of Charge of SC-02/2023 in RC-02/2022/NIA/KOC on 12.10.2023 and the Special Prosecutor for NIA opened the case on 12.10.2023 and describing accusation against the Charge sheeted accused and stating the evidence proposed to be proved the guilt of the accused. Upon hearing the submission of the prosecution, the defence counsel for accused Muhammed Mubarak (A-16) (now A-15) filed discharge petition before the Hon'ble Special court for NIA cases Ernakulam and same is posted for hearing on 04.05.2024.

2. Ashfaq @ Unni - (A-43)

Charge:

a) That, the accused **Ashfaq @ Unni (A-43)** 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 meeting held at Palakkad on 16th of April 2022 for committing terrorist act 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 collect the mobile phones of assailants Abdul Khader (A-21) and Firoz (A-22) from Mohammed Rizwan (A-47) to screen the presence of assailants at Scene of Crime at the time of committing the terrorist act of murdering Sreenivasan on 16.4.2022. He committed acts prejudicial to maintenance of harmony between different religious groups and disturbed the public tranquillity in the State at large.



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b) That, the accused **Ashfaq @ Unni (A-43)** along with 43 other accused were already charge sheeted by Kerala Police in connected offence in Crime No.318/2022 of Palakkad Town South Police S under section 120B, 34, 118, 119, 109, 115, 143, 144, 147, 148 341, 201, 212, 302 r/w 149 of IPC and Section 3(a)(b)(d) r/w 7 Religious Institutions (Prevention of Misuse) Act, 1988, where the offence committed by Ashfaq @ Unni (A-48) in the said connected has been enumerated in detail in that charge-sheet.

c) Therefore, accused **Ashfaq @ Unni (A-43)** 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.

Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), protected witnesses- 2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses-2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI-MO-583, Doc. No. 240, 242 to 246, Protected Doc.1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused - Protected witnesses-19, 20, 22, 25, 39 to 47, CW-605 to 608).

(iii) He is a cadre of PFI and attended arms training - (Statement of approver, MO-72- Mobile phone of Saddam Hussain (A-41) containing the image showing Ashfaq @ Unni (A-48, now A-43) taking part in a protest March organized by PFI, Protected Witness-17-speaks that the appellant is a PFI cadre and used to attend Arms and Physical training at Sankuvarathodu Masjid, Palakkad, D-347- Scene mahazar of arms training place at Sankuvarathodu Masjid, Palakkad).



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(iv) He is a member of terrorist gang, attended the conspiracy meeting held at Palakkad on 16th of April 2022 for committing terrorist act. (Protected Witnesses - 13 and 19 speaks that accused Ashfaq @ Unni (A-48, now A-43) conspired at a vacant place behind District Hospital, Palakkad with co-accused, Doc.13 - Scene Mahazar of Conspiracy place at a vacant land behind District Hospital, Palakkad).

(v) In furtherance to the conspiracy, he collected the mobile phones of assailants Abdul Khader (A-21) and Firoz (A-22) from Mohammed Rizwan @ Rizwan (A-47, now A-42) to screen the presence of assailants at Scene of Crime at the time of committing the terrorist act of murdering Sreenivasan on 16.4.2022. (MO-107 & D-67-containing CCTV footages of SOC & nearby SOC showing the presence of Abdul Khader (A-21), Firoz (A-22) and others, Doc-229 & 233- CDRs)

(vi) The final report and the evidence collected discloses prima-facie case against the appellant and therefore there is bar U/sec. 43D (5) of the UA (P) Act for release of the appellant/accused on bail.

(vii) The Hon'ble Special court for NIA cases Ernakulam commenced the hearing of Charge of SC-02/2023 in RC-02/2022/NIA/KOC on 12.10.2023 and the Special Prosecutor for NIA opened the case on 12.10.2023 and describing accusation against the Charge sheeted accused and stating the evidence proposed to prove the guilt of the accused. Upon hearing the submission of the prosecution, the defence counsel for accused Muhammed Mubarak (A-16) (now A-15) filed discharge petition before the Hon'ble Special court for NIA cases Ernakulam and same is posted for hearing on 04.05.2024.

Crl.A.No.620 of 2024:

1. Yahya Koya Thangal - (A11)

Charge:

a) That, the accused **Yahya Koya Thangal (A-11)** being a member of State Executive Council of PFI in Kerala and former State Vice President of SDPI, 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 organised and supervised Arms and Physical training to PFI cadres in PFI Office Periyar Valley Campus as a part of preparation



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for committing terrorist acts. He knowingly and intentionally became a member of terrorist gang formed to commit terrorist act of murdering Srinivasan on 16.4.2022 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 road between Govt. Hospital Mortuary gate and Khabrishtan (Cemetery) on 15th 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 tranquillity in the State at large.

b) That the accused **Yahya Koya Thangal (A-11)** 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, wherein, the offence committed by Yahya Koya Thangal (A-11) in the said connected offence has been enumerated in detail in that charge-sheet in that charge-sheet.

c) Therefore, accused **Yahya Koya Thangal (A-11)** committed offences punishable under sections 153A of IPC and sections 13, 18, 18A, 18B, 20 & 22C 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.

Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc. No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15). Protected witnesses 2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak



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(A-15), Protected witnesses 2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI-MO-583, Doc. No. 240, 242 to 246, Protected Doc. 1 & 2.13.17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused-Protected witnesses-19,20, 22, 25, 39 to 47, CW-605 to 608).

(iii) He is a member of State Executive Council of PFI in Kerala and former State Vice President of SDPI. (Statement of Protected witness -1, 3, 10, 23, 24, 52, statement of witnesses CW-609. 610, 611, 613, 614, 615, 617, 624, 638, 639, 640, 641, 643,644)

(iv) He knowingly and intentionally became a part of larger conspiracy hatched by PFI to enact their "India 2047" agenda of establishing Islamic Rule in India, organised and supervised C OF Arms and Physical training to PFI cadres in PFI Office Periyar Valley Campus as a part of preparation for committing terrorist acts. (D-1376-Doc. India 2047, Statement of Protected witness- 3, D-806 - Document Supporting SIMI seized during his house search, MO-296 (Mobile phone) contains WhatsApp contact with accused Hakeem of Sanjith murder case, Suhail of Ranjith murder case and chat with Sirajuddeen of Nandu murder case, WhatsApp post related to "India 2047 supplementary edition 2021". MO-298 (Mobile phone) contains Threatening WhatsApp poster found in the mobile phone of Yahiya Koya Thangal @ Thangal (A-11), MO-307 (hard disc seized during his house search) contains Videos of Babri masjid issue).

(v) He knowingly and intentionally took part in the conspiracy meeting hatched at Palakkad on 15.4.2022 for committing terrorist act of murdering Srinivasan on 16.04.2022. He also committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquillity in the State at large. (Protected witness-23, 24, 25, Statement of approver A-57 and D-1452-CDR. Protected witness- 19, 20, 22, 25, 39 to 47, CW-605 to 608-speaks about terror created by the PFI and its cadres.)

(vi) The final report discloses prima-facie case against the appellant and therefore there is bar U/sec. 43D (5) of the UA (P) Act for GH OF release of the appellant/accused on bail.

(vii) The Hon'ble Special court for NIA cases Ernakulam commenced the hearing of Charge of SC-02/2023 in RC-02/2022/NIA/KOC on 12.10.2023 and the Special Prosecutor for NIA opened the case on 12.10.2023 and describing accusation against the Charge sheeted accused and stating the evidence proposed to be proved the guilt of the accused. Upon hearing the submission of the



prosecution, the defence counsel for accused Muhammed Mubarak (A-16, now A-15) filed discharge petition before the Hon'ble Special court for NIA cases Ernakulam and same is posted for hearing on 04.05.2024.

2. Abdul Raof @ C.A. Raof - (A12)

Charge:

a) That, the accused **Abdul Raof @ C A Raof (A-12)** being a State Secretary of PFI Kerala, former State President of CFI, a frontal organization/affiliate of PFI and also a member of SDPI, 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 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 16.4.2022 and caused to recruit the cadres of PFI to the terrorist gang. He participated in the conspiracy hatched on 15.04.2022 at Dreams Curtain Shop, Pattambi, in the conspiracy held at PFI Office, Puthuppallytheru, Pattambi on 15.04.2022 and 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.

b) That, the accused **Abdul Raof @ C A Raof, (A-12)** 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, wherein, the offence committed by C Abdul Raof @ CA Raof, (A-12) in the said connected offence has been enumerated in detail in that charge-sheet in that charge-sheet.

c) Therefore, accused **Abdul Raof @ C A Raof, (A-12)** committed offences punishable under sections 153A of IPC and sections 13, 18, 18A, 18B, 20 & 22C of UA (P) Act along with additional offences under section 120B, 34, 118, 119, 109, 115, 143,



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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.

Objection:

(i) PFI has a mission to establish Islamic Rule In India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15) Protected witnesses-2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses-2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI-MO-583, Doc. No. 240, 242 to 246, Protected Doc. 1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused- Protected witnesses-19, 20, 22, 25, 39 to 47, CW-605 to 608).

(iii) He is the State Secretary of PFI Kerala, former State President of CFI, a frontal organization/affiliate of PFI and also a member of SDPI (Statement of Protected witness -1, 3, 10, 17, 24, 29, 52, statement of witnesses CW-605, 606, 607, 608, 609, 610, 611, 613, 614, 615, 617, 624, 629, 638, 639, 640, 641).

(iv) He knowingly and intentionally became a part of larger conspiracy hatched by PFI to enact their "India 2047" agenda of establishing Islamic Rule in India, 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. (D-1376- Doc. India 2047, Statement of Protected witness-3, Doc-762 His article in Thejus magazine propagates violent radical form of Islam and calls for youth to be Shaheed in the path of Islam).

(v) He knowingly and intentionally took part in the conspiracy meeting hatched at Pattambi and Palakkad on 15.4.2022 and OF 16.4.2022 for committing terrorist act of murdering Srinivasan on 16.04.2022. He also committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquillity in the State at large. (D-1376- Doc. India



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2047, Protected witness -13, 18, 19, 20, 22, 23, 24, 25, 36, Statement of approver A-57 and D-1438 & 1446-CDRs. Protected witness- 19, 20, 22, 25, 39 to 47, CW- 605 to 608 speaks about terror created by the PFI and its cadres. Doc-762- His article in Thejus magazine propagates violent radical form of Islam and calls for youth to be Shaheed in the path of Islam)

(vi) The final report and the evidence collected discloses prima-oppellants and therefore there is bar U/sec. 43D (5) of the UA (P) Act for release of appellants/accused on bail.

(vii) The Hon'ble Special court for NIA cases Ernakulam commenced the hearing of Charge of SC-02/2023 in RC.02/2022/NIA/KOC on 12.10.2023 and the Special Prosecutor for NIA opened the case on 12.10.2023 and describing accusation against the Charge sheeted accused and stating the evidence proposed to be proved the guilt of the accused. Upon hearing the submission of the prosecution, the defence counsel for accused Muhammed Mubarak (A-16, now A-15) filed discharge petition before the Hon'ble Special court for NIA OF cases Ernakulam and same is posted for hearing on 07.02.2024.

Crl.A.No.623 of 2024:

1. A Sathar @ Abdul Sathar - (A3)

Charge:

a) That, the accused **A Sathar @ Abdul Sathar (A-3)** being the General Secretary of Popular Front of India (PFI), Kerala, knowingly and n) Intentionally became a part of larger conspiracy hatched by PFI, its office bearers and cadres since few years lo 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 and caused to recruit the cadres of PFI to the terrorist gang. Being a part of the terrorist gang, he arranged and supervised the arms training to the cadres of PFI at its offices functioning at Karunya Trust, Karunagapally and Periyar Valley Trust, Aluva and other places on various occassions in last few years, as a part of preparation for committing terrorist acts. In furtherance to the larger of 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



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on 16.04.2022 by PFI cadres. He further committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquillity in the State at large.

b) Therefore, accused **A Sathar @ Abdul Sathar (A-3)** committed offences punishable under sections 120B, 153A & 120B r/w 302 of IPC and sections 13, 18, 18A, 18B, 20 & 22C of UA (P) Act.

Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected Witnesses 2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses 2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI MO-583, Doc. No. 240, 242 to 246, Protected Doc. 1 & 2,13,17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by the accused- Protected 22, 25, 39 to 47, CW-605 to 608). witnesses-19,20,22,25,39 to 47, CW-605 to 608).

(iii) He is the General Secretary of Popular Front of India (PFV) h Kerala, (Statement of CW-609, 610, 611, 613,614,615, 617, 624, 629, 638, 639, 640, 641, Protected witness-3, 4, 18, 19, 20, 52, D-1122 -Social media data, Mobile data (MO-272), D-784- Thejus magazine (page-8) seized from the house of A - 4 contains the designation of A - 3 in PFI, PFI Memento - MO - 274 seized during his house search)

(iv) He knowingly and intentionally became a part of larger conspiracy hatched by PFI to enact their "India 2047 ^ prime prime agenda of establishing Islamic Rule in India, became a member of terrorist gang formed by PFI, its office bearers and cadres and caused to recruit the cadres of PFI to the terrorist gang, he arranged and supervised the arms training to the cadres of PFI at its offices functioning at Karunya Trust, Karunagapally and Periyar Valley Trust, Aluva and other places on various occasions in last few years, as a part of preparation for committing terrorist acts.- (D-1376- Doc. India 2047, Protected witness- 1, 2, 3, 4,10 14, 18,19,20,



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MO-272 (Mobile phone) contains photo of victim Srinivasan, photo of accused in RC-27/2022/NIA/DLI, MO-393-iPhone contains Expenditure statement of Legal Aid to Abdul Nasar Madani).

(v) He knowingly and intentionally took part in the conspiracy hatched at Palakkad on 16.04.2022, for committing terrorist act of murdering Srinivasan on 16.04.2022. He also committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquillity in the State at large. (Protected witness-18, 19, 20, 36, Statement of approver A-57 and D-1457-CDR. Protected witness- 19, 20, 22, 25, 39 to 47, CW-605 to 608 speaks about terror created by the PFI and its cadres.)

(vi) The final report discloses prima-facie case against the petitioner and therefore there is bar U/sec. 43D (5) of the UA (P) Act for release of the petitioner/accused on bail.

(vii) The Hon'ble Special court for NIA cases Ernakulam commenced the hearing of Charge of SC-02/2023 in RC-02/2022/NIA/KOC on 12.10.2023 and the Special Prosecutor for NIA opened the case on 12.10.2023 and describing accusation against the Charge sheeted accused and stating the evidence proposed to be proved the guilt of the accused. Upon hearing the submission of the prosecution, the defence counsel for accused Muhammed Mubarak (A-16) (now A-15) filed discharge petition before the Hon'ble Special court for NIA cases Ernakulam and same posted for hearing on 04.05.2024.

Crl.A.No.628 of 2024:

1. Abdul Kabeer - (A-53)

Charge:

a) That, the accused **Abdul Kabeer (A-53)** being the other District Secretary of PFI Palakkad South District, 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 larger conspiracy, being a member of terrorist gang, he attended the conspiracy meetings held at PFI Office, Puthuppallitheru, Palakkad on 15.4.2022 and other places 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



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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 the terrorist act, he along with Muhammed Hakeem (A-40), Muhammed Shajid (A-42), Rasheed KT (A-61), Noushad M (A-63) and others conspired and dismantled the Motorcycle which was used by assailants Abdu Rahman (A-18) and Muhammed Mansoor (A-23) for committing terrorist act. He committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquillity in the State at large.

b) That, the accused **Abdul Kabeer (A-53)** 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, wherein, the offence committed by Abdul Kabeer (A-53) in the said connected offence has been enumerated in detail in that charge-sheet.

c) Therefore, accused **Abdul Kabeer (A-53)** 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.

Objection:

(i) PFI has a mission to establish Islamic Rule in India by their "India 2047" vision. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected Witnesses 2, 14 & 16 & Statement of approver recorded u/s 164 of CrPC).

(ii) The accused 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. (Doc.No.1376, Voice clip recovered from the mobile phone of accused Muhammed Mubarak (A-15), Protected witnesses 2 & 14 & Statement of approvers recorded u/s 164 of CrPC, the hit list prepared by PFI- MO-583, Doc. No.240, 242 to 246, Protected Doc.1 & 2, 13, 17 to 24, 26, 27, 29 to 34, 40 to 43, the witnesses who speaks about the terror created by



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the accused- Protected witnesses - 19, 20, 22, 25, 39 to 47, CW-605 to 608).

(iii) Abdul Kabeer (A-58, now A-53) is a PFI cadre and also the other District Secretary of PFI Palakkad South District (Statement of Protected witness -29, Statement of approvers, Mobile phone (MO-42) recovered from the accused Abdul Kader @ Iqbal (A-21, now A-19) - which contains a PFI poster of Palakkad District office bearers in which the name and photo of the appellant with designation 'Secretary' has been found. D-329 & D-333 - Tejus magazine of PFI and hand written bayath (pledge) of PFI seized during the house search of the appellant.

(iv) He is a member of terrorist gang, he attended the conspiracy meetings held at PFI Office, Puthuppallitheru, Palakkad on 15.4.2022 and other places at Palakkad on 15th and 16th of April, 2022 for committing terrorist act by murdering Srinivasan. He also committed acts prejudicial to the maintenance of harmony between different religious groups and has disturbed the public tranquillity in the State at large. (Statement of approver, Protected Witness 23, 24, 37 & 38, CW-37 & 38, Doc.13, Doc-16 & Doc 320 - Scene Mahazar of Conspiracy place at vacant land behind District Hospital, Palakkad, place near Khabristhan and place at Puthupallitheru, Doc-522, 523- CDR analysis report shows his presence in conspiracy place)

(v) In furtherance to the conspiracy, after commission of the terrorist act, he along with Muhammed Hakeem (A-40), Muhammed Shajid (A-42), Rasheed KT (A-61), Noushad M (A-63) and others conspired and dismantled the Motorcycle which was used by assailants Abdu Rahman (A-18) and Muhammed Mansoor (A-23) for committing terrorist act. (Statement of approver, Protected Doc.-45, MO-51 to 66-Parts of dismantled motor cycle)

(vi) The final report along with the evidence collected discloses prima- facie case against the petitioner and therefore there is bar u/s 43D (5) of the UA (P) Act for release of the appellant/accused on bail.

(vii) The Hon'ble Special court for NIA cases Ernakulam commenced the hearing of Charge of SC-02/2023 in RC-02/2022/NIA/KOC on 12.10.2023 and the Special Prosecutor for NIA opened the case on 12.10.2023 and describing accusation against the Charge sheeted accused and stating the evidence proposed to be proved the guilt of the accused. Upon hearing the submission of the prosecution, the defence counsel for accused Muhammed Mubarak (A-16, now A-15) filed discharge petition before the Hon'ble Special court for NIA cases Ernakulam and same is posted for hearing on



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04.05.2024.

40. It is against the backdrop of the charges and the material discussed above that we have applied the principles enumerated in the earlier paragraphs of this judgment to the case of each of the appellants before us. We have kept in mind the mandate of the Constitution, and weighed the *prima facie* worth of the accusations made against each of the appellants/accused separately with a view to determine whether there exists reasonable grounds to believe that the accusations against them are *prima facie* true. We have also taken note of the contention of the learned counsel for the appellants that such an exercise was not undertaken by the special court that dismissed their bail applications.

41. Our analysis of the material relied upon by the prosecution leads us to find that the threshold envisaged under Section 43D (5) of the UA (P) Act for denial of bail, as discussed in paragraphs 29 and 30 of this judgment, is crossed only in respect of nine of the appellants herein viz. appellant Nos.3, 4 & 9 [*Saddam Hussain M.K. - A41, Ashraf - A44 and Noushad M. - A58*] in Crl.A.No.1441 of 2023; appellant Nos.1, 4 and 9 [*Ashraf @ Ashraf Moulavi - A2, Ansari E.P. - A6 and Mohammad Ali K. @ Kunjappu - A13*] in Crl.A.No.139 of 2024; appellant Nos.1 and 2 [*Yahiya Koya Thangal - A11 and Abdul Raoof C.A. - A12*] in Crl.A.No.620 of 2024 and the sole appellant



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[*Abdul Sathar* - A3] in Crl.A.No.623 of 2024.

42. The bail application preferred by the 3rd appellant in Crl.A.No.1441 of 2023, [Saddam Hussain M.K.- A-41] was resisted by the agency by placing before us materials including the final report prepared under Section 173 of the Cr.PC which *inter alia* states that he had knowingly and intentionally harboured A22 in the mosque, who according to the investigating agency, was directly involved in the murder of Sreenivasan. He is also stated to have facilitated another accused in concealing the mobile phone of A17 [Abdu Rahiman @ Adru]. Taken together with the statements of witnesses and approvers, the materials put forth by the investigating agency reveal reasonable grounds to believe that the accusation against A41 Saddam Hussain is *prima facie* true. We therefore find the said accused disentitled to a release on bail under Section 43D (5) of the UA (P) Act.

43. The bail application preferred by the 4th appellant in Crl.A.No.1441 of 2023 [Ashraf - A44] was resisted by the agency by placing before us materials including the final report prepared under Section 173 of the Cr.P.C. which *inter alia* states that he collected the mobile phones of the main assailant [Firoz - A20] in the murder of Sreenivasan from A43 Asfak to screen the presence of assailants at the scene of crime. The said accusation



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is *prima facie* proved by the recovery of the mobile phone of A20 Firoz. In addition to the statements of witnesses and approvers, the material thus put forth by the investigating agency reveals reasonable ground for us to believe that the accusation against A44 Ashraf is *prima facie* true. We therefore find the said accused disentitled to a release on bail under Section 43D (5) of the UA (P) Act.

44. The bail application preferred by the 9th appellant in Crl.A.No. 1441 of 2023 [Noushad M. - A58] was resisted by the agency by placing before us materials including the final report prepared under Section 173 of the Cr.P.C. which *inter alia* states that he assisted A56 Rasheed K.T. for harbouring and transporting the assailant in the murder of Sreenivasan, A18 Umar, A23 Ansar, A27 Saheer and others. Further, he along with A56 Rasheed K.T, A36 Muhammed Hakkem, A37 Muhammed Sajith and others conspired and destroyed the evidence comprising of number plates of the vehicles used for the crime. The said number plates were recovered from him as evidenced by recovery mahazar Doc.92, recovered number plates MO46 to MO50, recovery mahazar Doc.93, recovered vehicle parts MO51 to MO66, ownership certificate Doc.623. Read along with the statements of witnesses and approvers, the material above would reveal reasonable grounds to believe that the accusation against A58 Noushad M is *prima facie* true. We therefore find the said accused disentitled to a release on



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bail under Section 43D (5) of the UA (P) Act.

45. The bail application preferred by the 1st appellant in Crl.A.No.139 of 2024 [Ashraf Moulavi - A2] was resisted by the agency by placing before us materials including the final report prepared under Section 173 of the Cr.P.C. which *inter alia* states that he encouraged vulnerable youth to join the terrorist organisation ISIS/Daesh and incited the people to cause communal disharmony and disturbed the public tranquillity in the state at large; that he caused to recruit the cadres of PFI, collected the details of various leaders of other religions and communities and members of their organisations; that he arranged and supervised arms training to cadres of PFI at their office at Thiruvananthapuram Education Trust (TEST) and at Periyar Valley Trust, Aluva on various occasions and planned to stock weapons and explosives as part of preparations for committing terrorist acts. The evidence against him includes MO271 pen drive recovered from him, a soft copy of a list of handwritten notes showing financial transactions with the accused in the Renjith Sreenivasan murder case, Sreenivasan murder case and Sijith murder case. Other data recovered from his pen drive include a soft copy of the list of leaders of RSS and other Hindu organisations as also soft copy of handwritten notes regarding the storing of knives, swords, iron bars and bombs. MO268 mobile phone contains details of Whatsapp communications between him and the accused in the Renjith



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Sreenivasan murder case, Sreenivasan murder case and Praveen Nattaru murder case. The material made available by the investigating agency therefore reveals the existence of reasonable grounds to believe that the accusation against A2 Ashraf Moulavi is *prima facie* true. We therefore find the said accused disentitled to a release on bail under Section 43D (5) of the UA (P) Act.

46. The bail application preferred by the 4th appellant in CrI.A.No.139 of 2024 [Ansari E.P. - A6] was resisted by the agency by placing before us materials including the final report prepared under Section 173 of the Cr.P.C. which *inter alia* states that he organised and supervised arms and physical training for PFI cadres in PFI office Periyar Valley Campus, Erattupetta on various occasions. He also had secret meetings at Peace Valley for conducting arms training. Other material against the said accused includes MO284, MO285 and MO286 mobile phones that contain whatsapp voice clips in which the speaker instructs A6 Ansari E.P. to arrange for PE training for other PFI cadres. The whatsapp voice clip received from A7 Mujeeb M.M shows close association between A6 and A7. The whatsapp chat messages recovered from the different mobile numbers mentioned in the objections, specifically discuss about the compulsory PE training at Peace Valley. Taken together, the material put forth by the investigating agency reveals a reasonable ground to believe that the accusation against



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A6 Ansari E.P. is *prima facie* true. We therefore find the said accused disentitled to a release on bail under Section 43D (5) of the UA (P) Act.

47. The bail application preferred by the 9th appellant in Crl.A.No.139 of 2024 [Mohammad Ali K. @ Kunjappu - A13] was resisted by the agency by placing before us materials including the final report prepared under Section 173 of the Cr.P.C. which *inter alia* states that he is an ex-SIMI leader, a proscribed terrorist organisation, and that he arranged and supervised the arms training to the cadres of PFI at Periyar Valley Trust and other places on various occasions in the last few years as part of the preparations for committing terrorist acts. The material available against the said accused includes Doc.No.826 seized from the house of the accused which contains printed notes inciting PFI cadres to fight against Hindus, MO314 DVD seized from the house of a co-accused contains a video relating to a protest by PFI in which A13 Mohammad Ali K. is seen making a speech that is incendiary in its tenor. Doc.1438 is the CDR data evidencing the contact of the accused with a co-accused. The material available against the accused reveals reasonable ground to believe that the accusations against A13 Muhammed Ali K. @ Kunjappu are *prima facie* true. We therefore find the said accused disentitled to a release on bail under Section 43D (5) of the UA (P) Act.

48. The bail application preferred by the 1st appellant in Crl.A.No.620



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of 2024 [Yahiya Koya Thangal - A11] was resisted by the agency by placing before us materials including the final report prepared under Section 173 of the Cr.P.C. which *inter alia* states that he organised and supervised arms and physical training to PFI cadres in PFI office, Periyar Valley campus as part of the preparation for committing terrorist acts, Doc.806 containing material supporting SIMI was seized during the search of his house. MO.296 mobile phone contains whatsapp conversations between the accused and another accused Hakeem of Sajith murder case, accused Suhail of Ranjith murder case and accused Sirajudeen of Nandu murder case, MO298 mobile phone contains images of threatening posters circulated on whatsapp. The material available against the accused therefore reveals reasonable ground to believe that the accusation against A11 Yahiya Koya Thangal is *prima facie* true. We therefore find the said accused disentitled to a release on bail under Section 43D (5) of the UA (P) Act.

49. The bail application preferred by the 2nd appellant in Crl.A.No.620 of 2024 [Abdul Raof C.A. - A12] was resisted by the agency by placing before us materials including the final report prepared under Section 173 of the Cr.P.C. which *inter alia* states that he is the State Secretary of PFI Kerala and former State President of CFI a frontal organisation/affiliate of PFI; that he organised and supervised arms and physical training to PFI cadres in the PFI office, Periyar Valley campus as part of the preparation for committing



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terrorist acts. His article in Thejus Magazine propagates violent measures. The voice clip recovered from the mobile phones of A15, MO583 and the hit list prepared by PFI are other pieces of evidence against him. We therefore find that the material available against the said accused reveals reasonable ground to believe that the accusation against him is *prima facie* true. We therefore find the said accused disentitled to a release on bail under Section 43D (5) of the UA (P) Act.

50. The bail application preferred by the appellant in CrI.A.No.623 of 2024 [Abdul Sathar - A3] was resisted by the agency by placing before us materials including the final report prepared under Section 173 of the Cr.P.C. which *inter alia* states that he is the General Secretary of PFI Kerala and he arranged and supervised the arms training of cadres of PFI at its offices functioning at Karunya Trust, Karunagapally, Periyar Valley Trust, Aluva and other places on various occasions in last few years. Doc.1122 social media data taken from his own phone [MO272] contains incriminating material. MO393 Iphone attributed to him contains details of expenditure relating to funding of Abdul Nasar Madani. The material relied upon by the investigating agency against the accused reveal that there are reasonable grounds to believe that the accusation against him is *prima facie* true. We therefore find the said accused disentitled to a release on bail under Section 43D (5) of the UA (P) Act.



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The impugned orders of the Special Court in relation to the aforementioned appellants are affirmed and the appeals in relation to the said appellants dismissed.

51. Save for the above mentioned nine appellants/accused, there exists no reasonable ground to believe that the accusations against any of the other appellants, are *prima facie* true. We therefore find that appellant Nos.1, 2 5, 6, 7 and 8 [Ali K @ Ragam Ali - A38, Fayas - A40, Akbar Ali - A45, Nishad - A46, Rasheed K.T. @ Kunjuttu - A56 and Saidali - A57] in Crl.A.No.1441 of 2023, the sole appellant [Mohammed Mubarak - A15] in Crl.A.No.1600 of 2023, appellant Nos.2, 3, 5, 6, 7, 8 and 10 [Sadik A.P. @ A. Sadiq Ahmed - A4, Shihash M.H @ Shihash - A5, Mujeeb @ M.M. Mujeeb - A7, Nejimudheen @ Nejimon N.A. - A8, T.S. Sainudeen - A9, P.K. Usman - A10 and Sulaiman C.T. - A14] in Crl.A.No.139 of 2024, appellant Nos.1 and 2 [Muhammed Rizwan - A42 and Ashfaq @ Unni - A43] in Crl.A.No.619 of 2024 and the sole appellant [Abdul Kabeer - A53] in Crl.A.No.628 of 2024 are entitled to be enlarged on bail under Section 43D (5) of the UA (P) Act.

The impugned orders of the Special Court in relation to the said appellants shall stand set aside and the appeals in relation to them are allowed. The said appellants shall present themselves before the Special Court which shall enlarge them on bail on such conditions as the special court may deem necessary but which must contain the following conditions



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namely:

- (a) The aforesaid appellants shall not leave the State of Kerala without the leave of the Special Court.
- (b) The aforesaid appellants shall surrender their passports, if they possess one, with the Special Court, during the period that they remain enlarged on bail.
- (c) The aforesaid appellants shall inform the Investigating Officer of the NIA the address where they shall reside during the period they remain enlarged on bail.
- (d) The aforesaid appellants shall each use only one mobile number, during the time they remain on bail, and they shall inform their mobile numbers to the Investigating Officer of the NIA.
- (e) The aforesaid appellants shall also ensure that their mobile phones remain active and charged round-the-clock so that they remain constantly accessible throughout the period they remain enlarged on bail.
- (f) During the period during which they remain on bail, the aforesaid appellants shall keep the location status (GPS) of their mobile phones active, twenty-four hours a day, and their phones shall be paired with that of the Investigating Officer of the NIA to enable him, at any given time, to



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identify the appellants' exact location.

- (g) The aforesaid appellants, while on bail, shall report to the Station House Officer of the Police Station within whose jurisdiction they shall reside, once every fortnight.

In the event there is breach of any of these conditions or any other condition that may be imposed by the Special Court independently, it would be open to the prosecution to seek cancellation of the bail granted to the appellants before the Special Court only, without any further reference to this Court.

These Criminal Appeals are disposed as above.

Sd/-
DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
SYAM KUMAR V.M.
JUDGE

prp/



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PETITIONER ANNEXURES:

- Annexure A1 TRUE COPY OF THE FIR IN SC NO.2/2023 IN RC 2/2022 /NIA/KOC DATED 19/9/2022
- Annexure A2 TRUE COPY OF THE REMAND REPORT DATED 22.09.2022 IN RC 2/2022 /NIA/KOC
- Annexure A3 TRUE COPY OF THE RELEVANT PAGES OF FINAL REPORT IN SC NO.2/2023 BEFORE SPECIAL COURT FOR NIA CASES, ERNAKULAM
- Annexure A4 TRUE COPY OF THE RELEVANT PORTION OF FINAL REPORT DATED 13.07.2022 IN CRIME NO. 318 OF 2022 OF PALAKKAD TOWN SOUTH POLICE STATION
- Annexure A5 TRUE COPY OF THE RELEVANT PORTION OF SUPPLEMENTARY CHARGE DATED 12.12.2022 IN CRIME NO. 318 OF 2022 OF PALAKKAD TOWN SOUTH POLICE STATION
- Annexure A6 TRUE COPY OF THE RELEVANT PORTION OF THE CHARGE IN CRIME NO.203 OF 2022 OF KASABA POLICE STATION, PALAKKAD
- Annexure A7 TRUE COPY OF THE APPLICATION DATED 14.12.2022 IN RC NO. 2/2022/NIA/KOC BEFORE SPECIAL COURT FOR NIA CASES, ERNAKULAM
- Annexure A8 TRUE COPY OF THE ORDER DATED 16/9/2022 ISSUED BY SECRETARY TO THE GOVERNMENT OF INDIA, MINISTRY OF HOME AFFAIRS CTCR DIVISION
- Annexure A9 TRUE COPY OF THE ORDER DATED 19/12/2022 ISSUED BY UNDER SECRETARY TO THE GOVERNMENT OF INDIA,



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MINISTRY OF HOME AFFAIRS CTCR DIVISION

- Annexure A10 TRUE COPY OF THE ORDER DATED 23/1/2023 ISSUED BY THE ASSISTANT REGISTRAR HIGH COURT OF KERALA
- Annexure A11 TRUE COPY OF THE PETITION DATED 04.02.2023 SUBMITTED BY THE 2ND RESPONDENT IN RC NO.2/2022 BEFORE THE SPECIAL COURT OF NIA CASES ERNAKULAM
- Annexure A12 TRUE COPY OF THE ORDER DATED 08.02.2023 IN CMP NO.80/2023 IN RC NO.2/2022 ON THE FILES OF THE SPECIAL COURT OF NIA CASES ERNAKULAM
- Annexure A13 TRUE COPY OF THE PETITION DATED 10.02.2023 SUBMITTED BY THE 2ND RESPONDENT IN RC NO.2/2022 BEFORE THE SPECIAL COURT OF NIA CASES ERNAKULAM
- Annexure A14 TRUE COPY OF THE ORDER DATED 16.03.2023 ISSUED BY UNDER SECRETARY TO THE GOVERNMENT OF INDIA, MINISTRY OF HOME AFFAIRS CTCR DIVISION
- Annexure A15 TRUE COPY OF THE RELEVANT PAGES OF THE SUPPLEMENTARY CHARGE DATED 06.11.2023 IN RC NO.2/2022 IN SC NO.2/2023 ON THE FILES OF THE SPECIAL COURT OF NIA CASES ERNAKULAM
- Annexure A16 TRUE COPY OF THE RELEVANT PAGES OF THE SUPPLEMENTARY CHARGE DATED 12.04.2024 IN RC NO.2/2022 IN SC NO.2/2023 ON THE FILES OF THE SPECIAL COURT OF NIA CASES ERNAKULAM
- Annexure A17 TRUE COPY OF THE PETITION DATED 04.05.2024 SUBMITTED BY THE 2ND RESPONDENT IN RC NO.2/2022 BEFORE THE SPECIAL COURT OF NIA CASES ERNAKULAM
- Annexure A18 TRUE COPY OF THE ORDER DATED 08.05.2024 IN CMP NO.199/2024 IN RC NO.2/2022 ON THE FILES OF THE SPECIAL COURT OF NIA CASES ERNAKULAM
- Annexure A19 TRUE COPY OF THE DOC. NO.1376 IN SC NO.02/2023 ON THE FILES OF THE SPECIAL COURT OF NIA CASES ERNAKULAM



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Annexure A20

TRUE TRANSCRIBED COPY OF THE VOICE CLIP
ALLEGEDLY RECOVERED FROM THE MOBILE PHONE OF THE
15TH ACCUSED IN SC NO.02/2023 ON THE FILES OF
THE SPECIAL COURT OF NIA CASES ERNAKULAM

RESPONDENTS ANNEXURE: NIL.



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APPENDIX OF CRL.A.NO.1441/2023

PETITIONER ANNEXURES:

- Annexure A1 THE TRUE COPY OF THE ORDER NO.11011/82/2022-NIA DATED 16.09.2022 ISSUED BY THE MINISTRY OF HOME AFFAIRS, CTCR DIVISION
- Annexure A2 THE TRUE COPY OF THE FIR IN RC NO.2/2022/NIA DATED 19.09.2022
- Annexure A3 THE TRUE COPY OF THE ORDER NO.HCKL/4301/2022/DI-2 DATED 23.01.2023 ISSUED BY THE ASSISTANT REGISTRAR, HIGH COURT OF KERALA
- Annexure A4 THE TRUE COPY OF THE RELEVANT PORTION OF FINAL REPORT IN CRIME NO. 318 OF 2022 OF PALAKKAD TOWN SOUTH POLICE STATION
- Annexure A5 THE TRUE COPY OF THE RELEVANT PORTION OF THE CHARGE IN CRIME NO.203 OF 2022 OF KASABA POLICE STATION, PALAKKAD
- Annexure A6 THE TRUE COPY OF THE RELEVANT PORTION OF THE CHARGE SHEET FILED BY THE RESPONDENT IN RC NO. 2 OF 2022 ON THE FILES OF SPECIAL COURT FOR THE TRIAL OF NIA CASES, ERNAKULAM.

RESPONDENTS ANNEXURE: NIL.



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APPENDIX OF CRL.A.NO.1600/2023

PETITIONER ANNEXURES:

- Annexure A1 TRUE COPY OF THE CERTIFICATE DATED 30.12.2012
ISSUED BY XING YING CHINESE WUSHU ACADEMY
- Annexure A2 TRUE COPY OF THE CERTIFICATE DATED 28.12.2014
ISSUED BY ALL KERALA WUSHU ASSOCIATION
- Annexure A3 TRUE COPY OF THE NOTICE OF THE CLASSES CONDUCTED
BY THE APPELLANT
- Annexure A4 TRUE COPY OF THE APPLICATION DATED 18.08.2023 IN
CRL. M.P NO. 386/2023 IN S.C NO 02 OF 2023 ON
THE FILES OF SPECIAL COURT FOR THE TRIAL OF NIA
CASES, KERALA AT ERNAKULAM
- Annexure A5 THE TRUE COPY OF THE FIR IN RC
NO.31/2022/NIA/DLI DATED 22.07.2022
- Annexure A6 TRUE COPY OF THE ORDER DATED 22.07.2022 ISSUED
BY MINISTRY OF HOME AFFAIRS, CTCR DIVISION
- Annexure A7 THE TRUE COPY OF THE ALLEGED SEIZED DOCUMENT
SHOWING 'INDIA 2047'
- Annexure A8 THE TRUE PHOTOGRAPHS OF THE APPELLANT PERFORMING
KALARI PAYATTU ALONG WITH OTHERS

RESPONDENT ANNEXURES:

- Annexure R2 (a) THE TRUE COPY OF THE GAZETTE NOTIFICATION SRO
NO.487/2013 DATED 13.05.2013.



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APPENDIX OF CRL.A.NO.620/2024

PETITIONER ANNEXURES:

Annexure A1

THE TRUE COPY OF THE RELEVANT PORTION OF
SUPPLEMENTARY CHARGE DATED 12.12.2022 IN CRIME
NO. 318 OF 2022 OF PALAKKAD TOWN SOUTH POLICE
STATION.

RESPONDENTS ANNEXURE: NIL.

//TRUE COPY//

P.S. TO JUDGE