



CRL.A NO. 2328 OF 2025

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2026:KER:33137

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

&

THE HONOURABLE MR. JUSTICE P.M.MANOJ

TUESDAY, THE 21ST DAY OF APRIL 2026 / 1ST VAISAKHA, 1948

CRL.A NO. 2328 OF 2025

AGAINST THE ORDER DATED 03.10.2025 IN CRMP 406/2025 IN SC
NO.2 OF 2021 OF SPECIAL COURT FOR TRIAL OF NIA CASES, ERNAKULAM

APPELLANTS/ACCUSED NO.3, 11 AND 15:

- 1 RAJAN.C.G @ RAJAN CHITTITAPPALLY @ RAFI
AGED 62 YEARS
S/O. GANGADHARAN, NAMBIYATHU HOUSE, CHITTIAPILLY,
PERAMAN GALAM, THRISSUR, KERALA, PIN - 680551
- 2 R. RAGHAVENDRAN @ MURUKESH @ GAUTHAM
AGED 35 YEARS
S/O. K. RAJAN, NO. 7/8, TNHB, PHASE L-, SATHUVACHARI,
VELLORE DISTRICT., TAMIL NADU, PIN - 632009
- 3 DEEPAK@ KORSARAMLU
AGED 38 YEARS
S/O. KORSASANNU, MANNIKELI VILLAGE, BIJAPUR DISTRICT,
CHHATTISGARH, PIN - 494444

BY ADVS.

SHRI.SHAIQ RASAL M.

SHRI.ABDUL KHADER KUNJU S.



CRL.A NO. 2328 OF 2025

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2026:KER:33137

RESPONDENT/COMPLAINANT:

UNION OF INDIA
REPRESENTED BY THE NATIONAL INVESTIGATION AGENCY,
KOCHI, ERNAKULAM,, PIN - 682020

BY ADVS.
O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA
SMT.ALKA WARRIAR, CGC

THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON
21.04.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

GOPINATH P (J)

The appellants are accused nos.3, 11 and 15 in S.C.No.2/2021 pending before the Special Court for Trial of NIA Cases, Ernakulam. The appellants along with the other accused in the case, face charges under Sections 120B, 121, 121A, and 122 of IPC, Section 27 (1) (e) (iv) of Kerala Forest Act 1961, Sections 7 r/w 27(2) of the Arms Act and Sections 18, 18 A, 20, 38, and 39 of the UA(P) Act, 1967.

2. The learned Counsel appearing for the appellants would submit that the 1st appellant has been in custody from 18/12/2020, the 2nd appellant has been in custody from 7/11/2021 and the 3rd appellant has been in custody from 29/10/2021. It is submitted that by Orders produced as Annexures A1 to A3, this Court had granted bail to Accused nos.1, 4 and 5. It is submitted that the present appellants, who are accused nos.3, 11 and 15 do not face any charges distinct



from the charges levelled against the accused, who have been granted bail by this Court. It is submitted that the allegations against the appellants is that they along with the other accused entered into the deep forest area at Nilambur and underwent arms training. It is submitted that since the appellants have been in custody from the dates referred above, they are entitled to be released on bail, especially taking into consideration the fact that this Court, through Annexures A1, A2 and A3 has granted bail to accused nos.1, 4 and 5.

3. The learned Deputy Solicitor General of India appearing for the respondent submits that the appellants are not entitled to bail on the ground that bail was granted to accused nos.1, 4 and 5. It is submitted that a reading of the Orders passed by this Court granting bail to accused nos.1, 4, and 5 will indicate that they were granted bail on account of delay in starting trial. It is submitted that presently the trial is ongoing and nearly 94 witnesses out of 287 witnesses have



already been examined. It is submitted that the prosecuting agency expects to complete the trial by the end of June, 2026. It is submitted that the offences alleged against the appellants are very serious, and they can even be sentenced to imprisonment for life if the charges are proved. It is also submitted that the appellants are not residents of the State of Kerala and there is every chance of the appellants absconding, if they are granted bail. It is submitted that if this Court is inclined to grant bail to the appellants it must be ensured that they are available to face trial.

4. Having heard the learned Counsel appearing for the appellants and the learned Deputy Solicitor General of India appearing for the respondent, we are of the opinion that the appellants can be granted bail, taking into consideration the fact that they have been in custody as undertrial prisoners for a considerably long period. This Court has already granted bail to accused nos.1, 4 and 5 through the Orders, which are on record as Annexures A1, A2 and A3. On a perusal of Annexures A1, A2



and A3, we are convinced that sufficient conditions have been imposed to ensure that the accused, who have been granted bail, are available to face trial. The appellants can also be released subject to the same conditions. Therefore, we allow this appeal and set aside the impugned Order and direct that the appellants shall be released on bail subject to the following conditions:-

- a) The appellants shall remain in the Revenue District of Ernakulam till the trial is over;
- b) The appellants shall furnish to the Investigating Officer of the NIA, their place of residence in Ernakulam;
- c) The appellants shall report before the investigating officer, NIA, on every Saturday and Wednesday between 10 a.m. and 11 a.m. till the end of the trial. However, it would be open for the appellants to seek modification before the Trial Court, and if any such



application is filed, the same shall be considered on its merits and appropriate orders shall be passed.

d) The appellants shall use only one mobile number during the period of bail and shall communicate the said number to the Investigating Officer of the NIA. They shall remain accessible on the said number throughout the duration of bail and shall not, under any circumstances, switch off or discard the device associated with it without prior intimation.

e) The appellants shall not tamper with evidence or attempt to influence or threaten any witnesses in any manner.

f) The appellants shall not engage in or associate with any activity that is similar to the offence alleged against them or commit any offence while on bail.

In the event of any breach of the aforesaid conditions or of any other condition that may be



imposed by the Special Court in addition to the above, it shall be open to the prosecution to move for cancellation of the bail granted to the appellants before the Special Court, notwithstanding the fact that the bail was granted by this Court. Upon such an application being made, the Special Court shall consider the same on its own merits and pass appropriate orders in accordance with law.

Sd/-
GOPINATH P.
JUDGE

Sd/-
P.M.MANOJ
JUDGE

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APPENDIX OF CRL.A NO. 2328 OF 2025

PETITIONER ANNEXURES

- Annexure A1 THE COPY OF THE JUDGMENT IN CRL. A NO. 443 OF 2025 DATED 11.04.2025
- Annexure A2 THE COPY OF THE JUDGEMENT DATED 09.09.2025 IN CRL.APPEAL 1367/2025 IS PRODUCED HERewith AND MARKED AS ANNEXURE A3
- Annexure A3 THE COPY OF THE JUDGEMENT DATED 14.08.2025 IN IN CRL.A NO. 1172/2025

RESPONDENT ANNEXURES

- Annexure R1(b) A true copy of the 161 Statement of CW-11 - Sakeer Hussain recorded on 22.06.2020 along with English Translation
- Annexure R1(c) A true copy of the 161 Statement of CW-46 - P.P. Jayachandran s/o Kuttikrishnan recorded on 26.04.2021 along with English Translation
- Annexure R1(e) True copy of the 161 Statement of CW-47 - C.V. Muraleedharan recorded on 26.04.2021 along with English Translation
- Annexure R1(g) True copy of the 161 Statement of CW-12 - Vijayankutty G S/o Gopalapillai, DySP (Arms) Thiruvananthapuram recorded on 28.01.2021 along with English Translation
- Annexure R1(a) A true copy of the Charge Sheet filed before the Special Court for NIA Cases on 23.04.2022 (Excluding enclosures)
- Annexure R1(d) True copy of further statement of CW46 recorded on 04.02.2022
- Annexure R1(f) True copy of further statement of CW 47 recorded on 04.02.2022
- Annexure R1(h) True copy of the certificate issued by the Administrator, Elite Mission Hospital, Thrissur dated 06.04.2022 (D-372)