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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.2624 of 2019
and
Crl.M.P.Nos.1699 & 1701 of 2019

Mohamed Salin

...Petitioner/Accused No.16

Vs.

1. The State of Tamil Nadu
Represented by the Principal Secretary to Government
Home (Prison) Department
Tamil Nadu Government Chief Secretariat
Fort Saint George, Chennai 600 009.
2. The Deputy Superintendent of Police
SID, CB CID, Madurai. ...Respondents/Respondents

PRAYER: Criminal Original Petition had been filed under Section 482 of Cr.P.C, praying to call for the records and quash the final report in C.C.No.7 of 2014 pending on the file of the learned Special Court under the Nation Investigation Agency Act, 2008, Sessions Court for Exclusive trial of Bomb Blast Cases, Chennai, in Crime No.1 of 2013 on the file of the Deputy Superintendent of Police, Tirunelveli. (Amended as per order in Crl.M.P.No.13744 of 2021 in Crl.O.P.No.2624 of 2019 dated 21.12.2021).

For Petitioner : Mr.R.Vivekananthan

For Respondents: Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

This petition had been filed to call for the records and quash the final report in C.C.No.7 of 2014, pending on the file of the learned Special Court under the National Investigation Agency Act, 2008, Sessions Court for Exclusive trial of Bomb Blast Cases, Chennai, in Crime No.1 of 2013 on the file of the Deputy Superintendent of Police, Tirunelveli.

2. The Petitioner/Mohamed Salin, who is A16 in this case, has filed this petition to quash the charge sheet in C.C.No.7 of



2014 pending on the file of the Special Court under the National Investigation Agency Act, 2008, Sessions Court for Exclusive Trial of Bomb Blast Cases, Chennai @ Poonamallee.

3. It is the submission of the learned counsel for the Petitioner that the case in Crime No.1 of 2013 was originally registered by Melapalayam Police Station, Tirunelveli. Subsequently, it was transferred to facilitate investigation to the SID, CB CID, Madurai. Further, the learned counsel for the Petitioner submitted that by invoking the provisions of Unlawful Activities (Prevention) Act, bail was refused by the Sessions Court for Exclusive Trial of Bomb Blast Cases, Poonamallee. Aggrieved by the same, the Petitioner herein filed an Appeal in CrI.A.No.857 of 2018. While considering the said appeal, the Hon'ble Division Bench of this Court has granted bail, and the relevant portion of the said order reads as follows:-

"11. This Court on perusal of the materials and on analysis of the submissions made by the appellant and the prosecution, finds that the only material as against the appellant is the confession of Bilal Hussain/A6 and the statement of Abubucker Siddiqe @ Pooli of Melapalayam.

12. Further on perusal of the statement of Abubucker Siddiqe @ Pooli recorded under Section 161(3) of Cr.P.C., it is seen that during the first week of January 2013, the appellant has handed over bus ticket and also Rs.1,000/- for wayside expenses to Bilal Hussain/A6 and A6 requested Abubucker Siddiqe @ Pooli to drop him in the bus stand. On his request, the appellant picked up Bilal Hussain/A6 in his motor bike and dropped him on the same day. On 06.08.2013 after the arrest of Bilal Hussain/A6, this witness came to know about the above case. Other than this statement, there is no incriminating material against the appellant. Further in this case, out of 19 accused, 16 accused have been already granted bail including Bilal Hussain/A6, Daniel Prakash/A12 and Sahul Hameed @ Paravai Badhusah/A14. They were the co-accused linked to the appellant, who are similarly placed.

13. Taking note of the fact that except three accused all the other accused were granted bail, who are similarly placed and also considering the materials relied upon by the prosecution against the appellant, this Court is of the opinion that the appellant is entitled for bail with certain conditions. Accordingly, the Petitioner is ordered to be released on bail subject to the following conditions:-"



4. Based on the order passed by the Hon'ble Division Bench in Crl.A.No.857 of 2018 on 26.06.2019, granting bail to the Petitioner, the Petitioner has filed this petition seeking to quash the charge sheet in C.C.No.7 of 2014.

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5. The learned Government Advocate (Crl.Side) vehemently objects to quash the charge sheet on the ground that already the trial Court has framed charges, witnesses have been examined and the case was adjourned to 20.04.2022 for cross examination of PW1. Further, the learned Government Advocate (Crl.Side) submitted that the relief of bail was already granted to the Petitioner and based on which, the Petitioner cannot seek quashing of the charge sheet.

6. The submissions of the learned Government Advocate (Crl.Side) is accepted. Since the Petitioner was already released on bail, no prejudice will be caused to him. Hence, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Special Court under the Nation Investigation Agency Act, 2008, Sessions Court for Exclusive trial of Bomb Blast Cases, Chennai & Poonamallee.
2. The Principal Secretary to Government Home (Prison) Department
Tamil Nadu Government Chief Secretariat
Fort Saint George, Chennai 600 009.
3. The Deputy Superintendent of Police
SID, CB CID, Madurai.
4. The Public Prosecutor
High Court, Madras.

Crl.O.P.No.2624 of 2019
and Crl.M.P.Nos.1699 & 1701 of 2019

AD(CO)
RGA(25/05/2022)