



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.4981 of 2021

Mohamed Igbal @ Senthilkumar

... Petitioner/Sole Accused

Vs

The Superintendent of Police,
Union of India Represented By,
National Investigation Agency
MHA Government of India, New Delhi.
(Fir NO.RC-8/2021/NIA.DLI)
(Amended as Per Order made in
CRL.M.P.(MD)No.4341 of 2021
dated 25.06.2021)

... Respondent/Complainant

For Petitioner : Mr.S.M.A.Jinnah,
Advocate.

For Respondent : M/s.Karthikeyan
Special PP for NIA

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime Number as FIR No.RC-8/2021/NIA/DLI on the file of the respondent. (Amended as per order of this Court dated 25/06/2021 in CRL.M.P.(MD)No.4341 of 2021 in CRL.OP(MD)No.4981/2021 by GCSJ)

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 02.12.2020 for the offences punishable under Sections 13(1)(b) of the UA(P) Act, 1967 and Sections 153A, 153(B), 505(1)(b), 505(1)(c) and 505(ii) of IPC in Rc-8/2021/NIA.DIL on the file of the respondent police, seeks bail.

2. When this petition was pending before this Court is was represented on behalf of the Government that the investigation in this case has been taken over by the National Investigation Agency, therefore the learned counsel for the petitioner was directed to file amendment petition. As per the amendment petition, the Superintendent of Police, National Investigation Agency , MHA Government of India, New Delhi is ordered as second respondent. It



is submitted during the course of hearing that this matter should be decided by the Division Bench of this Court and not by the single Judge.

3. It is true this position has been settled by the Honourable Supreme Court of India in the case of **State of Andhra Pradesh through I.G.National Investigation Agency -vs- Md.Hussain @ Saleem**, wherein it has been already held that an appeal from an order of the Special Court under NIA Act, refusing or granting bail shall lie only to a bench of two Judges of the High Court. Thus it is clear that only appeal will lie against the order of the Special Court granting or refusing grant of bail.

4. In the case before hand the petitioner has filed original petition seeking bail. He has not filed any appeal against any order by Special Judge refusing to grant bail to him. Therefore this Court is of the considered view that this petition filed as original petition is not maintainable. Hence the petition stands dismissed giving liberty to the petitioner to approach the Special Court for bail and on the basis of the result in the bail petition he may file appeal if necessary.

sd/-

02/07/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE SUPERINTENDENT OF POLICE, UNION OF INDIA
NATIONAL INVESTIGATION AGENCY
MHA GOVERNMENT OF INDIA, NEW DELHI.
- 2.THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.
- 3.THE SPECIAL PUBLIC PROSECUTOR FOR NIA CASES,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.4981 of 2021

Date :02/07/2021

AAV

TK/PN/SAR.4/06.07.2021/2P/4C