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Crl.M.P.No.4792 of 2023

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in

Crl.A.No.116 of 2023

M.SUNDAR, J.

and

M.NIRMAL KUMAR, J.

[Order of the Court was made by M.SUNDAR, J.]

This 'Criminal Miscellaneous Petition' [hereinafter 'Crl.MP' for the sake of brevity] has been filed by third appellant in the captioned main Appeal (Crl.A.No.116 of 2023) who is accused No.8 in trial Court with a prayer for interim bail. Demise of petitioner's father-in-law on 30.03.2023 has necessitated the filing of the captioned petition is learned counsel's say. To be noted, Mr.S.Jim Raj Milton, learned counsel representing the counsel on record for the petitioner in the captioned main appeal is before us. It is also submitted that burial was originally scheduled to be held at 2.00 p.m. today i.e., 31.03.2023 in Theni District but the same has been rescheduled and it is scheduled to be held tomorrow i.e., on 01.04.2023 at 11.00 a.m. in Theni District. The petitioner in captioned Crl.MP is to participate in funeral / final rites and pay his last respects is learned counsel's say.



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2. The above appeal has been filed against an order of dismissal of a bail petition by the Special Court under National Investigation Agency Act, 2008 (Sessions Court for Exclusive Trial of Bomb Blast Cases), Chennai at Poonamallee, Chennai vide order dated 03.01.2023. When this appeal is pending, father-in-law of the petitioner, namely, Mr.Umar Farook, aged 52 years has passed away yesterday i.e., on 30.03.2023 at about 11.05 p.m. The petitioner wants to pay his last respects and also participate in final rituals of his late father-in-law.

3. Mr.S.Jim Raj Milton, learned counsel representing Mr.A.Nowfil, learned counsel on record for petitioner, Mr.R.Karthikeyan, learned Special Public Prosecutor (NIA Cases) appearing for respondent and Mr.R.Muniyapparaj, learned State Additional Public Prosecutor assisted by Mr.M.Sylvester John, Advocate are before this Court.

4. It is brought to our notice that the final rituals and burial of the petitioner's father-in-law is going to be performed at Theni District tomorrow at around 11.00 a.m. as already alluded supra in this order. Considering the



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request made by the petitioner, we are inclined to grant interim bail to the petitioner to attend, participate in final rituals and to pay his last respects.

5. It is submitted by the learned Prosecutor, on instructions, that it is necessary to send the petitioner with adequate escort in the interest of all concerned. Mr.S.Jim Raj Milton, learned counsel on instructions from Mr.A.Nowfil, counsel on record for the petitioner submits that the petitioner would bear the costs of the escort.

6. This Criminal Miscellaneous Petition is accordingly disposed of with the following directions:

(a) The petitioner [Thiru.A.Yasar Arafath, son of Thiru.Anwar Ali, accused in RC.No.42/2022/NIA/DLI dated 19.09.2022 on the file of National Investigation Agency, Chennai Branch, Chennai] is directed to execute his own bond before the Superintendent of Prisons, Central Prison, Puzhal-II, Chennai-600 066;

(b) The Superintendent of Prisons, Central Prison, Puzhal-II, Chennai shall release the petitioner forthwith (irrespective of time



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at which this order copy is produced). To be noted, this order is being uploaded in the official website of this Court forthwith and the order shall be duly complied with on such uploading in the official website;

(c) The petitioner is directed to surrender before the Superintendent of Prisons, Central Prison, Puzhal-II, Chennai by 12.00 noon on 02.04.2023 (Sunday);

7. Though the captioned matter is disposed of, post this matter under the caption '**FOR REPORTING COMPLIANCE**' on 03.04.2023.

[M.S.J.,] [M.N.K.J.,]
31.03.2023

mk

Note: Issue order copy on 31.03.2023.
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